

THE
NEVV MAN
OR,
A SVPPLICATION FROM AN
vnknowne Person, a Roman Catholike vnto
I A M E S , *the Monarch of Great Brittaine*, and
from him to the Emperour, Kings, and Prin-
ces of the Christian World.

Touching

The causes and reasons that will argue a necessity
of a Generall Councell to be forthwith assembled a-
gainst him that now usurps the papall Chaire
vnder the name of *Pau/ the fifth.*

Wherein are discouered more of the secret Iniqui-
ties of that Chaire and Court, then hitherto their friends
feared, or their very aduersaries did suspect.

Translated into English by *william crofton*, Batchelour in Di-
uinity, according to the Latine Copy sent from
Rome into *England*.



L O N D O N ,

Printed by *Bernard Alsop*, for *George Norton*, and are
to bee sold in *Distaffe-lane*, at the signe of
the *Dolphin*. 1622.

WAMMVE

TO THE RIGHT

HONOURABLE THE

highly honoured and much loued.

George Lord Marquesse of Buckingham, &c.

all true honour and happiness.

RIGHT HONOURABLE



This booke in Latine was sent to his Maiestie from one vnowne to vs : so is the English sent your Lordship from one not much knowne to you : He left it dying as a Legacy to his Maiestie, I yet aliuue send it as a liuing and lasting testimony of my loue and duty to your Lordship : and seeing the Latine was directed to his Maiestie, my hope is, his Highnes will neither hold it presumption in your Lordship, nor indiscretion in mee , that the English bee made yours. And indeed to whom should such a booke be sent that so highly concernes religion, but to the 2. high Patrons and protectors of religion,his Maiestie next vnder God , and you next vnder him and his. Accept right Honourable this *New Man* for a New-yeares guift , your Lordship may haue many richer in shew, but few in substance. Reade it(right noble Lord) and blame me if you hold not your time and labor well bestowed. Two qualities, or rather a quantity and a quality commend it to your reading. It is short and sweete, for though it speake of filthy men,

The Epistle

and foule matters (an vnsauoury subiect) yet was it euer welcome and well pleasing to men of vnderstanding, to see hypocrites vnmasked, & their wicked enemies discouered & descripted in their own colours who bee your Lordships enemies but his Maiesties: and who are his but Gods , and who Gods enemies, and his, and yours, but the diuell, the Turke, the Pope and the Iesuite. Now that Man of sin the Pope, and his Throne that chaire of pestilence and his traine and cursed court of Rome, the ancient enemy of this Crowne and Kingdome, and Religion : were never so laid out to the worlds view in so full a measure, in so perfect colors, and in so little a roome as in this booke. And surely if your Lordship would hunt with in doores this hard weather here is trim & true sport indeede: for never were the Romish wolues & Foxes so hunted by any of our wised and most earnest hunters as hereby this *Italian*, who was therfore better acquainted with their lurking holes and craftie evasions : Good sport it must needs bee to see these great blood-suckers of the Christian world ferretted out so finely and so hotly pursued, and that by one of their owne blood-hounds , who beeing well inured to their sent , knew how to trace and follow them by the foote : who hee was that wrote it I know not, nor can I guesse, if it were not that famous Doctor Marta: but your Lordship may learne this sooner then I. Seeing vndoubtedly his Maiestie knowes it, and as wee all good professors of true Religion haue cause to blesse God for sending his Maiestie the booke, and humbly to thanke his goodness who made that common that was his owne, so it beemes vs not to search into that his Maiestie pleaseth

to

Dedicacione.

to referue as a secret: I therfore turne to my owne taske and do commend to your Lordships iudgment these points, when you haue read this booke.

First , whether all the world as well as wee haue not cause to acknowledge his Maiestie a true defender of the faith and a zealous maintainer of his Religion , who published this Booke to the wounding of popery euен at the heart, it being in his power to haue supprest it , and yet the world could neuer haue charged him with it.

Secondly , whether thay can be found, sincere, & faithfull Subiects, or true friends to his Maiesty, that speake, or thinke, or conceaue, or hope otherwise of him.

Thirdly , that beeing true that is in the first chapter of this booke auerred and maintayned, whether it bee not in the power of his Maiesty, and the King of Spaine, to ouerthrowe the Pope, and popery, when it shall please God they come together.

Fourthly, if this booke be true (as it appeares to be seeing all these nine yeares it was neuer disaprooued) whether these bee not wilfully blinded that will still bee papists.

Noble Lord , as the world thanked his Maiesty for the booke in latine, so is it my desier your nation and all his Maiesties dominions, may thanke your Lordship for the same in english, and receive it from your Honorable hands as a pledge of that sincere loue you beare to true Religion: wheroft as I was lately a willing witnes, so shall I not spare to speake and spred it: and that God may confirme in you that his holy and good worke , there neuer shall want the dayly and deuout prayers , together with the best seruice of your Lordships humble and faithfull seruant,

W.Craſbaw.



To the Reader.

Good Reader be pleased further to obserue for thy better understanding, that this booke being sent his Maiestie in or about 1611. was in 1612. published by his Maiesties direction and authoritie, and was translated in 1616 and then allowed, and had then come forth in English, but that the Copy, by what accident I know not, nor by whose meanes was purloyned, and little better then lost for divers yeares: and though now there be another Pope yet the exceptions against the Papacy and Popish religion are still the same: Remember this as thou yeades, and ever remember me to God in thy denotions:

Thy Brother, desirous to be
a helper of thy faith,

W. C.



TO THE MOST
INVINCIBLE, AND WI-
lest King , and mighty Monarch
I A M E S King of Great
Brittaine, &c.



He businesse of Religion , and the truth
(most Noble King) is
brought to that passe,
that if it finde not a
Patron & Promotor,
it will presently be in
a desperate case : for all men neglect the pub-
liche , and being wholly taken vp with their
priuate ends, neuer take to heart what becomes
of it : So it, that indeede is euery mans, "
is made no mans case.

It is now cleere and none is ignorant of it
(who cares to know any thing) that the church
of Rome is destitute of a Pastor , and all the
world rings of the intrusyon, Simony and flug-
gishnesse now raigning in Rome, and not a na-

B

tion.

The Epistle

tion in Europe, but talkes thereof, and how
the Papacy is preyed vpon, consumed and de-
uoured. This is euident and knowne to all that
are wise, and discreetly obserue the carriages
and courses of the world. And no leſſe is ſeene
and obſerued, and every day talkt on in the
Courts, and at the Councell Tables euen of
Catholike Princes: yet all hold their peace,
and deeply diſſemble, and honour him as Pope,
that now beares the name of Bishop of Rome,
though indeed and truth be be not ſo: Not one
is found ſo bold and iuft as to call the matter
to the iudgement of lawfull Censors: No
alas, that ſeuere kind of Maieſtrate, (a ſu-
preme Censor) is now out of uſe, which
makes the World, and euen the Church it ſelfe
ſo farre out of frame.

Therefore in this neceſſity God bath Stirred
vp me a New Man, & an vndeſtoune crea-
ture, and bath ſo directed and inspired my Pen,
as I haue truely ſet downe all the cauſes and
reaſons why a Generall Councell for an vni-
uerſall reformation ought neceſſarily with all
ſpeeđe to be aſſembled, and hauing included
them all in this preſent ſupplication, hath en-
boldned mee to giue notice of them to the
whole

to the King:

whole World, and in the name of the omnipotent and Almighty God, to mainstaine them against all Gainesayers.

And seeing amongst all Princes professing Christian Religion, this our age findes onely you so incomparably happy (most mighty Prince) as that your Princely Minde & royall meanes are accompanied with exquisite learning in all kinds that may adorne a King. And that by your most learned Writings (the fruits of that learning) your Maiesty hath wonne the loue or at least the admiration of all Princes in the World, each one professing to honour your Maiesty with extraordinary obseruance and respect: I therefore held my labour would bee best bestowed in exhibiting this my present supplication and intimation, first of all to you (most wise and worthy King) that from you, and vnder your most renowned and glorious name it might be sent to the Emperour, and the rest of the Kings and Princes of Europe, who therefore will undoubtedly with more applause receive it, & with all attension & diligencie read and peruse it: wherby we may hope that a holy free generall Councel shall atlast be obtained (which is the supreme & soueraigne medicine for the Churches sicknes) and

The Epistle to the King.

the Church of Rome by the meanes an l autho-
rity of your Maiesty bee purged and reformed
Thus (happiest King) I bid your Maiestie
right heartily well to fare. At Rome the
Calends of March. 1612.

Your excellent Maiesties most
deuoted Seruant

...and we expect the to continue until the year 1870
make record of yielding one ton of
bar corn each bushel. **The New Man!**

and blazon troth, byg blit and land, I do
anodryg yar richz guididnes as heveth, A d
mene of ill to ill, a misdeemur man, a maledict,
ever mefchadri (ynd) A vlycote hem of
THE
environy has hevenerys epon, vnyt, vnt, lly
sith has, monespe. B vlt et vnd, ad, vlycote it remach
ed et vlycote. E. To vlycote hem of, vnd, lly



THE PUBLISHERS OF
this Booke to the Reader.

Friendly reader, although to him that desires
and longs to run ouer a new booke with all
hast possible^{tis} most men vse to do (all stops
and hinderances especially in the entrance and
beginnings are most vnwelcome) in which re-
spect I will not hold thee from this so strange a
Booke with a tedious Preface (which for the
most part is odious) yet hold I it well worth my
labour to write, and thine to reade so much as
shall shew thee certaine necessary circumstances,
the vnderstanding whereof shall bee to thee as a
Torch in a darke night, and giue thee such light
in reading, as you shall thinke the labour well be-
stowed, and not blame, but thanke him, who by
this short Preface of one leafe keepes thee from
reading this rare and vnicouth booke.

As to the Author therefore of this book which
is the first and principall and most remarkeable
point, that which wee would haue thee know is
briefely thus much. He is not one of those where-
of there are too many, who living in remote
countries and climates, yet doubt not to write to
all the worlds reading, the things themselfies
know not at all, & for which they haue no better
evidence, but the fickle report of certaine partly
ignorant

The Publishers to the Readers.

ignorant, partly idle-headed Mates, who either totally devise or at least by long carriage doe improve and enlarge all their newes and narrations. But this Author as he writes of Rome, and the things there done, so he liued in Rome, and was a member (and it seemes no meane one) euen in that governement and common-wealth, and in the dayly company and conuersation of all those men, and euen in the bosomes of some of them, of whom he writes these strange matters whereof we make thee partaker in this booke.

Now so it fell out, that not long agoe hee departing this life, left this booke, by him written, in the hands and keeping of a certaine speciaall friend of his, whether casually, or on set purpose we know not. But he as it seemes either not knowing, or little regarding what it contained, or at least little thinking it should euer haue bin published, made it not dainty to deliuer it to an English Gentleman, then as it fell out, sojourning and remaining in that County, whether he gaue it him or lent it, or sold it, or exchanged it, wee cannot say. But in a word, from his owne hand he had it, and from him had wee it, and so by good hap it came into such hands as knew in some measure what vse to make of it: for hauing perused it aduisedly, we soone discouered in it many matters of no little moment, and well worthy all mens knowledge, wee therefore hold it very expedient for vs, and no lesse welcome to the world to haue it published, and thereby made subiect to all mens view. And this wee haue done according to the truth of the Authors owne Copy, written as it
seemes

The Publishers to the Reader.

seemes with his owne hand , without any deceitfull alteration of words or matter. And the more willingly entertained wee this resolution; in as much as the Author himself had it in his thoughts to haue published this worke , and had desired in his owne life time, to direct and dedicate it to his excellent Maiesty of great Brittaine, as appeares by his owne Epistle here prefixed. Hauing therefore printed the Authors true Copy , and that which himselfe intended to publish, and directed it to no other but him to whom the Authot himselfe intended it , the world may be witnesse with vs of our faire dealing: So farre are we from giuing iust cause for any man to say that either wee haue ransackt, and robbed the Coffers and Deskes of a dead man, or that wee diuulg'd such things as hee desired to haue suppressed, when he cannot speake nor pleade for himselfe : (both which we confess might worthily be held dishonest tricks.)

And thus good Reader, wee haue layd, and now withdrawing our Pen , intend not with a tedious Preamble(a thing iustly odious) longer to detaine thee from being better acquainted with this Booke. Now therefore set to it, *reade, marke, and maruell,* and cease not till you come to the wished end, *Farewell.*

THE



The Translator to the Reader.

HEre good Reader, thou hast the Tower of Romish Babel, not shaken or battered, but euен cast downe to the ground with their owne ordinance, euен the maine grounds of Popish Religion ouerthrowne by one of themselves, and that altogether upon their owne Principles, and by their owne Lawes: Neuer had Popery so great a foyle giuen it by it selfe. It therefore greeueth mee that so rare a worke should bee kept and concealed from the eyes of my English brethren: I haue made the translation as iust to the Authors meaning as I could. And if I haue any time added any words for explanation, I haue marked it thus^{cc} in the margin. Farewell Christian Reader, and still pray for the full reuelation and confusion of Antichrist, for his time hastens on.

THE

A Table of secrets discouered, and points
handled in this Booke.

CHAP. I.

Exceptions against Sixtus 5. and his successors.

1 **T**HERE is not, nor hath beeene any true Pope in the Romane Church since the death of *Gregory the 13.* that is for these 30. yeeres and more.

2 *Sixtus Quintus* did clime into the Papacy by soule Symony, proued by promise and eouenant vnder his hand.

3 By the Canon Law he that enters by Symony is no Pope.

4 *Sixtus* his Symony was notorious, for it was complained on to *Philip the second*, King of *spaine*, who thereupon, and seeing *Sixtus* simoniacall eouenant vnder his hand, sent to Rome, and summoned him to a Councell, to answer for himselfe.

5 *Sixtus* so summoned, fell sicke and dyed, or else tooke poyson.

6 The Spanish King did the Pope no wrong in thus doing.

7 The Cardinals made by *Sixtus* were no Cardinals.

8 The Popes inluing were all chosen by those Cardinals, and consequently were no Popes. Because

9 By the Canon Law none but Cardinals can chuse the Pope.

10 The like Cardinals chosen by the like Popes to *Sixtus*, or not so ill, were iudged no Cardinals by former presidents.

11 That it helps them not in the law, that in common reputation they were held and taken for Cardinals.

12 The better sort of them in Rome knew all this, and spake of it in secret.

13 Question made in Spaine whether *Clement the 8.* was true Pope, and bookes written that he was not.

14 *Clement the 8.* his Election void for that another was canonically and lawfully chosen before him.

15 How soulely and corruptly matters are carried in the Conclau.

b 16 It

16 It is prooued out of the Canon Law that the Election of Cardinall *Sanctuernia*, who was chosen before *Clement*, was good in law.

17 How *John the 23.* getting all the Cardinals to referre the election to him alone, chose himselfe Pope. 17
20

18 *Clement* ought by the Law much rather to haue beene put out of the Papacy then *John the 23.* 20

19 *Clement* the 8. no lawfull Pope in 2. respects. 21

20 *Paul the 5.* no lawfull Pope, for that another was lawfully and canonically elected before him. 21

21 How Cardinall *Baronius* disturbed that election. 22

22 What obscene and filthy talkers the Cardinals be. 22

23 Matters done secretly in the Conclave, are so kept for a time, but at last are knowne abroad, and that by 2. meanes.

1. By the Cardinals themselves, telling their priuate friends and fauorites.

2 By their seruants who write all things, and after for mony give out Copies. 23

CHAP. 2.

Of the present Popes Symonies.

24 PROOFES that the Pope is no Lord of all the World, and may be guilty of Symony. 24

25 How the Councell of *Basil* deprived *Eugenius* the 4. partly for that crime, and the Councils decree against him heere set downe. 26

26 The horrible and vnhread of Symonies of *Paul* the present Pope. 26

27 A strange tricke of the now Pope how to sell all his liuings at a horrible rate. 27

28 All liuings wherof he is or can be made capable, hee giues to his Nephew (or sonne) Cardinall *Borghesi*: such as hee cannot haue are sold, as afore, to his benefit. 27

29 How

- 29 How the present Pope deludes the Councell of *Trent*,
and by shifts seekes starting holes, thereby to practise the Symo-
nies that are by the Councell forbidden. *Nov 10 1563* *28*
- 30 With what huge and monstros pensions to some of his
Minions, the Pope chargeth euery good living in *Italy*. *1563 v 29*
- 31 He hath bought as much land for young *Borghese* as cost him
sixteene hundred thousand Scoutes. *1563 v 29*
- 32 He hath built him a Palace bearing his name that cost him
three hundred thousand. *1563 v 29*
- 33 He hath enriched him with moveables worth 600000. *29*
- Thus he hath bestowed of one Nephew fine and
expensives twentyhundred thousand Scoutes, and all gotten
out of Church living.* *1563 v 29*
- 34 The *Borgheses*, that is the present Popes Kindred, were but
poore, and many of them Bankerouts when this man was made
Pope, and now one Nephew of his is worth millions. *1563 v 30*
- 35 The Author names the secret Registers, where true notice
of all these forenamed particulars may be had. *1563 v 30*
- 36 He shewes that many Spaniards are able to prove this, if
they be called to it. *1563 v 31*
- 37 That against a Symoniacall Pope, a generall Councell
ought to be called, as against an Heretike. *1563 v 31*
- 38 The Symony and other irreligiousnesse in the Pope, kills
all devotion, and extinguisheth godlinesse in the Laity. *1563 v 32*
- CHAP. 3.**
- Of other enormous practises of the present Pope.*
- 39 That when a Pope by his notorious crimes scandalizeth the Church, a Councell is to be called against
him. *1563 v 32*
- 40 That when the chiefe members of the Church are scandalized, though of the Laity, the whole Church is truly said to
be scandalized. *1563 v 33*

- 41 A Counsell hath power to correct and order the Pope, and if neede be to depose him. 34
- 42 The State of Venice made a Law that the Clergy should haue no more temporall Land, and should restore some of that they had. 34
- 43 They call Clergy mento their temporall Courts. 35
- 44 They professe they haue power over the Clergy also. 35
- 45 They lay them in prison if their faults require it. 35
- 46 They command them to absoluie Penitents, and in some cases to discouer some confessions. 35
- 47 They restrain the power of the Popes ecclesiastical courts. 35
- 48 They professe they haue this power in all their Dominions, and that immediatly from God. 35
- 49 This Pope interdicted them, and called in the King of Spain to helpe against them, but soone after durst not stand to it, but was faine to absoluie them, and pay their charges. 36
- 50 They of *Millasine* and *Florence* cause their Clergy to pay to publike works. 36
- 51 They admit no Bull nor Breue from Rome, vnlesse first examined and allowed by their owne authority. 36
- 52 Those of *Lucca* beat away their Bishop, and had hanged his Vicar general, if he had not fled for standing for the Pope against their Privilledges. 36
- 53 They made their Clergy aske forgiuenes of the Senate. 36
- 54 In Italy few feare or care for the Popes Excommunicatiōn, no not the great Thunderbolt of *Bulla Cens.* 36
- 55 The vice Roy of *Naples* committed certainte of the Popes owne Clergy to temporall Prisons. 36
- 56 He threatned the Popes Nuntio to throw him out at the Window, if he did not presently auoid when he came to petition for their deliurance. 36
- 57 If Malefactors take sanctuary euen in Churches, hee will draw them out to execution. 37
- 58 The Ecclesiastical Courts haue little businesse and lesle power in Italy. 37
- 59 This

Points handled in this Booke.

59 This Pope will heare of nothing that may grieue him. 37
60 When Packets come from any Nation, or any Nuntio, Cardinall *Borghesi* first opens them and lets him know what he thinks will not offend him, but no more. 37

*By these eighteene Articles last past, let the
wise Reader obserue how the Popes Power,
decays in Italy.*

61 The Pope for his sluggishnes and neglect of the Church, ought to be reformed or deposed by a Councell. 38

62 *Sixtus* the 5. besides his expences, debts payd, and great workes done, layd vp yeerely ten hundred thousand Scutes. 39

63 The monthly expenses of the Popes Palace haue vsually bin 50000. Scutes. 39

64 But such is the base couetousniess of this *Pau* to enrich his Kindred, that he hath brought it downe to 5000. 39

65 The Emperour and Christian Princes may and ought to call the Popes to account what is done with the Treasure of the Church. 39

66 This Pope giues leauue to Bishops to morgage the profits of their Bishoprickes for many yeeres together. 40

67 And when his fauorites haue so morgaged them, hee giues them others, and they leauue those to others who haue the titles without reuenue. 40

68 He gaue leauue to Cardinall *Montalto* to morgage the reuenues of three Abbies, a thing so monstrous as it was neuer done in the worst times before. 41

69 Hee punisheth no crimes of his Clergy nor Cardinalls though neuer so foule. 41

70 By so doing hee makes himselfe subiect to be calld in question by a Councell, 41

71 He suffers 2. Cardinals to lye continuall with their owne brothers wifes. 42

72 And one to practise Sodomy, and to keepe boyes for his abominable buggery. 42

37 A Cardinal now in the Roman Church, such a shamelesse Sodo-

Secrets discovered, and

mite that scarce any yong Gentleman dare serue him or come
neere him.

74 Hee made two boyes that way abused, to bee burnt in the
backe, but sayd nothing to the Agents or Doers who abused
them in that abominable kinde, which by the Law are farre the
greater.

75 No iustice practised in this Court, against any fault that
hurts not himselfe, nor hindres his profite.

76 He never called in question her that poysoned his brother,
because his Nephew *Borghesi* had his hand in it.

77 The Author proues that by these his courses and conniuences
he ought to answere before a Councell.

78 The Pope is not owner of the riches, nor Lord of all the li-
uings in the world, but onely the Steward.

79 And therefore he may not giue them to his carnall Kindred,
nor otherwise at his pleasure.

80 All liuings without cure hee giues to his Nephew *Borg-
hesi*.

81 None gets any liuings in the Popes gift, but from or by
yong *Borghesi*.

82 Cardinall *Borghesi* hath 250000. Scutes a yeere of Church
liuings. *anno 1612.*

83 To other Cardinals he giues few liuings, and those little, if
any great, he loades them with a good pension to *Borghesi*.

84 Hee lets him take great Bishoprickes, and when greater
fall to resigne the former, reseruing the greater part to him-
selfe.

85 Most of the Cardinals in the Court are but factors, or fa-
vorites to Cardinall *Borghesi*.

86 It is a rule with this Pope, and one of his pollices to keepe
all the Cardinals he makes, rather poore then rich.

87 No liuing nor worthy reward is giuen in Rome to lea-
ning or learned men, but all for by respects.

88 The shamefull ignorance and illiterature of such as are or-
dinarily preferred at Rome.

Points handled in this Booke.

- 89 The Author proueth that for these causes also he hath made himselfe subiect to a generall Councell. 47
- 90 There ought to be but 24. Cardinals in the Roman Church by the decree of the Councell of *Basil*. 48
- 91 And those ought to be taken out of all Nations, and of the learnedest, wisedest, and worthiest men. 48
- 92 If vnworthy men be made Cardinals, the Church is wronged, and it is cause sufficient to call a Councell. 48
- 93 If the Pope when neede is, refuseth to call a Councell, hee is therefore to be suspected in his Religion. 49
- 94 This Pope makes Cardinals of most base and vnworthy men. 49
- As 1. Such as haue no learning.
2. Such as haue no wisedome, nor care of the publike.
3. Such as be poore and will be content with any thing.
4. Young men for the most part.
5. And all these must come in by *Borghes*: that hereby hee may haue him Pope after himselfe. 50
- 95 Instance in many particulars, what base vnworthy, vnlearned Cardinals this Pope hath made 50
- 96 He makes Cardinals of Organists and Sollicitors: and one whose father or place of birth are not knowne, reade it and marke it well. 51
- 97 The notable plots of this Pope to make his Nephew (or his Bastard) *Borghes*, Pope after himselfe. 52

C'HAP- 4.

How a Councell is now to be called.

- 98 **VV** Hen the Pope and Cardinals be questioned it belongs not to them but to the Emperour to call a Councell. 54
- 99 The Emperour is to see that the Pope hurt not the Church nor Christian faith. 55
- 100 He is a great part of the whole Councell, and hath power to be there in his owne right. 56
- 101 That

Secrets discovered, and pointes handled in this Booke.

- 101 That in ancient times the calling of Councels belonged
only to the Emperour. 57
- 102 A Councell may be a lawfull Councell without the Pope
or his authority. 58
- 103 A generall Councell hath his authority immediatly from
Christ. 58
- 104 A generall Councell is of force enough though it be nei-
ther called nor confirmed by the Pope. 59

THE





THE NEVV

M A N.

By the helpe of the holy Ghost.

CHAP. I.

*Of the first cause of calling a generall Councell, for
that since Gregory the thirteenth there hath bin
no true Pope: but all that haue succeeded him haue
bin mere intruders into the Papacy.*



F euer the state of the vniuersall Church was in perturbation, or euer needed commiseration, then certainly it is in these our daies in a most deplorable case: for now the Church wants a true Pastor. Intruders, *no better then either wolves or Thenees*, breake in and make a prey of the Pa-
pall place and dignity, and the Prelates with all the Clergy, set their hearts, and all their care on their owne profit and their priuate ends, further they looke not, further they care not, Religion and the common cause is no more at all by them regarded then it serues their owne turne.

2 For who of them can bee so ignorant, yea or once make doubt that *Sixtus Quintus* was chosen Pope unlawfully, and entred by foule Simony. And if he be, then let them know from me

" (which I speake not to informe them that know
 " it well enough already, if they list to acknow-
 " ledge it, but to let all the Christian world know
 " that which millions of me neuer mistrusted) that
 when *Gregory* was deceased and the Cardinalls
 assembled in the *Conclave* for the election of a
 new Pope, he being then the Cardinall of *Mona-*
Aloisius Car-
dinalis Esten-
sis.
talto, that himselfe might be chosen, plainly boght
 of *Aloisius* the great Cardinall of *Aste* his voyce,
 & the voyces of all the Cardinals depending of
 him, which were knowne to bee farre the greater
 number, and able to carry it with whomsoever
 they went. And in consideracion thereof he pro-
 mised him not in a word alone, but open writing,
 subscribed and ratified vnder his owne hand, that
 whereas there was a principall Prelate, one *Hie-*
ronimus Mathews whose possibiltie was great to
 be a Cardinall, but was then at no little oddes
 with Cardinall *Aloisius: Sextus*, I say, solemnely
 promised him that during his taigne hee would
 neuer make him Cardinall, if hee by his owne
 voyce and his complices would make him Pope.
 Cardinall *Aloisius* accepted of the condition, &
 so the bargaine was concluded, and according-
 ly he gaue him his voyce, & got all his party and
 faction to doe the like, and so *Sextus* carried it
 from all competitors and was chosen Pope,
 which was so openly knowne that *Aloisius* never
 made bones in a publicke presence to say that
*Pope Sextus was his creature, and the worke of his
 owne hands.*

3 This being true, as alas it is altogether vni-
 deniable, all that are leene in the lawes cannot
 but know it is the very case in the Bull or Decree
 of

of Pope *Iulius* the second, by him set out against Symoniacall elections of the Pope, which yet is in fresh memory, and hath been obserued with great respect, till these shamelesse times of late. Insominch as all the Cardinals at their very entrance into the Conclave must first of all, by solemne oath, sweare that they will seriously and faithfully take vpon them the precise obseruation of the sayd Bull. And for satisfaction to the world, how horribly *Sixtus Quintus* transgressed in this point, it shall not bee amisse to set downe the very words of the Constitution it selfe, as much as concernes the matter in question.

The Bull of Pope Iulius the second touching the election of the Popes, and against Symony in the said Elections.

If it shall hereafter fall out through the diuels malice the enemy of mankinde, or the ambition or coueteousnesse of the chuser, that when we or any our successours shall by Gods appointment be remoued from the gouernment of the Church or earth : the election of the new Pope bee made and done, either by him that is so chosen, or by any other, or more of the Colledge of Cardinals by the heresie of Simoniacall compact giuing, promising, or receiuing any goods of any kinde, or Lands, or Castles, or Offices, or Benefices, or by making of any other promise or obligation of what kind soever ; whether they doe it by themselves or by any other; by a few or by many : and whether that election bee accomplished by the voyces of two parts of the Cardinals diuided in three, or by the vniforme consent and voyces of them all, whether it bee done by way of assump-

tion or adoration, yea though there be no Scripture made at all.

we determine, define, and declare,
That not onely the election or assumption so made shall be from that very moment voyde and of none effect. And no power or faculty shall accrue thereby to him so thrust in, of any administration, gouernment, or iurisdiction in matters spirituall or temporall. But also that it shall and may bee lawfull to any Cardinall present at the same election, to except against the sayd Intruder, and to call him into question for the crime of Simony as of a true and vndoubted heresie, that so being an hereticke hee may be of all men accounted and held as no Pope nor Bishop of Royme, &c. Neither shall such Simoniacall election be any time afterwards made good, by any subsequent inthronization, coronation, nor by any adoration made, or obedience and homage done or sworne to him by the Cardinals; no notwithstanding it be done by the whole Colledge, nor by any action that may or can be done, nor by any continuance or course of time. But it shall and may be lawfull to all and euery Cardinall, yea euen to those that were present and consenting to the sayd Simoniacall election or assumption, not onely before, but eten after any such inthronization, Coronation, adoration, homage, or obedience done. And not to them alone, but to the whole clergy and people of Royme, and to all the subiects of the Roman Church: and to all the Lords, Gouernours, Captaines & Commanders as well of the City and Palace of S. Angell within the City, as of all other Castles, Towers, and Fortresses;

tresses; and to all other Ministers and Officers whatsoeuer to refuse to yeeld him any Honour, Homage or Obedience, and to reuolt from him so chosen and iusthronized, & from all obedience to him, and thate safely and lawfully they may hold esteeme, and eschew him and all fellowship with him, as a Magitian, an Ethnick, a Publican, and an arche Hereticke: And further, wee determine that by the authority hereof it shall, & may be lawfull to the Cardinals, such thole that were present at the Simoniacall Election and consented not therunto, & to those that shall afterwards dissent and depart from him to appoint forth-with a generall Councell; and to call and summon the same in such conuenient place as to themselves shall seeme expedient, &c.

Thus farre the words of the Popes decree upon his byspe

Now if it be obiected that this decree binds not but where the fact is famous, evident and notorious, and this Simoniacall election of *sixtus*, if any such were, was carried in secret, and suppress'd by silence: It is answered, that contrariwise this fact of *sixtus* his Simoniacall election, was made publike and notorious, for marke what followed *sixtus* after his election violated his faith, & broke his promise made to the Cardinal of *Aste*, & contrary theretoo made *Hieronimus Athanasius* Cardinall, which the Cardinall of *Aste* tooke so to heart, that for very anger and griefe at the Popes treacherous vnsingfulness, and his enemies aduancement he fell deadly sicke, but before hee dyed, to recompence the new and ill made Pope as he had deserued, he sent the agreement and covenant he had of *sixtus* to the Catholicke King,

Philip the second, even the very originall it selfe signed with *Sixtus* his own hands, who hereupon in the yeare 1589. sent the Duke of *Susse* to Rome as his Orator and Ambassadour extraordinary to give *Sixtus* notice thereof, and to intimate to him to the present necessity of a *generall Councell*, for the declaration of his election to be *Simoniacall*, and to require the *Lords*, the *Cardinals*, such as were created by his Predecessors, and to other the Prelates, and Clergy to whom it belongs to appeare in the sayd Councell, to be holden in *Spaine* at the city of *Seville in Andalouzia*, of milder or mid moneth May 1590.

Now howsoever this busynesse thus began could not proceede to full effect, for that *Sixtus* vpon this intimation made to him, knowing he should bee condemned by his owne hand, for a plaine feare and desperation fell sicke and dyed (having onely that way left by dying to preuent depriving) yet by this beginning, his *Simoniacall Couenant*, and *Election* hereupon ensuing, was called into question, or as the *Lawyers* say drawn into iudgement and made notorious. And admit the King of Spaine did more then hee ought in giuing him this intimation, and calling a Councell yet helps it not; for a fact is sayd to bee made publike and notorious, if once it be drawne into iudgement, though the beginning of the processe or proceeding therein be so farre vnlawfull, as that it be a nullite in law, for it suffiseth this purpose if it be called into publike question, whether directly or indirectly, whether by a lawfull or vnlawfull Judge it matters not.

But as this case stands, it is worse, on *Sixtus* his

his side, for we are to know the Catholike King did herein no more but right, forby the expresse law diuine, al Catholikes may lawfully rise against an Hereticall Pope, and that law of God is related in the body of the Canon Law. And in the case of Simoniacall election, that secular Princes hane power to call a Councell, it is the plain text of *Isidore* that ancient father, which also is related in the Canon Law, and there the Glosse writes the very speciall and particular case of Simony. And that the power of calling a Councell when the Cardinals refuse or neglect so to do, is imme- diatly, directly and lawfully devolued vpon the secular Princes, is a case so plain and common amonst the learned, that he must needs be a stran- ger to the Law that knows it not. *Cataldus* proues it plaine, so doth *Petrus de Monte*, and *Cardinall Iacobinus* in his Treatise of Councells. Many more Authors might bee alledged to the same purpose, but the credit of these is such as these shall suffice, and in those it is not barely or by the way affirmed, but the case is argued and resolved.

To proceede therefore, *Sixtus* by the vertue of the forayld constitution, which is inserted into the body of the Canon Law, being a Magi- gitian, an Ethnicke, an arch-Hereticke, could not therefore nor had any power in him to create cardinals, for as much as hee was *ipso facto*, de- spoiled and depryed of all iurisdiction, power and faculty spirituall and temporall, and all vse and exercise of any such iurisdiction spirituall or temporall, is by the law to farre forbidden him, that all and euery act and fact by him done in that kinde, are absolute nullities as done by him that

In C. Si audi-
eris. 23. q. 5.

Isidorus de
summo bono
li. 3. relatus in
cap.

Principes se-
culti 22. q. 5. &
ibi glos. in
verbo intra
ecclesiam.

Cataldus de
bou. com. pag.
in tract. de po-
testate papæ
anno. 63. Pe-
trus de Monte
in sua Monar-
chia concilio-
rum cap. de ge-
neralis conci-
lij celebratio-
ne per totum.
Card. Iaco. in
tract. concilio-
rum. lib. 3 art.

In s. liceat in
fine.

that hath no power at all to do them.

8 Now from this ground thus layd, it followeth by infallible inference that all the Popes since *Sixtus* the fifth were intruders, and not one of them a true Pope: for after his death (harken you Christian Princes, who liuing farre from Rome doe little know how matters are carried there, and know the truth which none can tell you, but one that liued there and saw it with his owne eyes) after the death of *Sixtus* the fifth, Cardinall *Montalto*, his Nephew entring the Con-

This was six-clauke with forty voyces in his faction, by the ~~this his nephew~~ strength wherof was elected *Urbanus* the seventh, he made Car. who liuing but a few dayes, by the same meanes dinall being was chosen *Gregory* the fourteenth into his place, Boy.

¶ who continued but ten moneths, after whom by the same voyces entred *Innocentius* the eleventh, who held the Papacy but 2 moneths (as though God by the death of four Popes in one yeare would let the Colledge of Cardinals and Clergy of Rome, and the whole Christian world see and know that something went wrong in the Church, and that in a high degree, but our hapinesse was not such to haue it discouered.) You, that were farre off could not know the truth, and we that were present had not our eyes open to behold it, some blinded with one carnall affection, some with another.) All these thus dead, at last was chosen *Clement* the eight, by the same voyces, who by the iudgement and permission of God continued this intrusion and usurpation 13. yeeres. Now that none of these was nor could be true Pope; I thus demonstrate.

¶ Vnto the election of all these concurred the

the voyces of those Cardinals that were created by Sixtus the fifth, for although *Mornato* his Nepliew had not full so many voyces on his side, and in his dispose as by whom he might *inclusive* conclude an election yet may wee say that *exclusively* he made and carried the election, seeing he had so great a part, that without them no election could possibly be made, nor consequently any but by him: for that exclusive part which he had beeing the greater, must of necessity draw vnto it the rest of the Electors who betting made before were true Cardinals, and had true & good voyces, but were fewer in number, and so the whold power of election seemed to consist in his will, and the whole number of Electors may bee sayd to bee at his dispose: whereupon it followeth inuiteably that all those elections do tally fall away, & are plaine nullities, for further proofe wherof let your Maiesty and all the christian world be pleased to obserue that by the constitution of *Pius the 4.* touching thereformatio of the conclave in the election of Popes, the power of chusing the Pope is granted onely to the Colledge of Cardinalls: And howsoever in the end of the said constitution, he enable them to giue voyces, though all of any of them should be excommunicated, so as no exception shall ever be admitted against any such election, for that any at all of the electors by whose voice it is daried did then lie under the cōfiscation of excommunication. Yee bee you assurē of this, that hee shal suppose they shall bee the lawfull Cardinales, and how moare shadowes and iuridications the Cardinalshippe as it hath bee
D who

who were created by him that had no place nor power to make them. But the Cardinals who made all those elections were such, being made as afores is shewed by *Sainte* the fifth, who was no lawfull Pope, and therefore were no Cardinals indeede and truly, and consequently the elections by them made, were no elections but absolute nullities in the law to all intents and purposes : for there is great difference betwixt true Cardinals excommunicated, and no Cardinals, & the constitution before named enables Cardinals excommunicated to give voyces, and to make lawfull elections, but it doth not, nor can not enable them that are no Cardinals at all.

Now that such titular Cardinals as were created by him that is no true Pope, are no true Cardinals, and consequently can give no voyce, nor make any lawfull or good election, appeares evidently enough by the continual presidents of former times in the Romane Church for when *Gregory the 11* who was indeed a true and lawfull Pope, had renounced the Popedomē in the *Council of Constance*, for pacifying the Schisme, & settling the peace of the Church, & afterward re-opening by ill aduise what he had done, revokd his resignation, would be Pope still, and accordingly created divers Cardinals: It was then concluded & resolued by the whole Church after great deliberation, that he could make none, so that all so by him created were no Cardinals, and so were held iudged, and reputed (as appears in the publicke words of the said Council) & the reason is given for that they were created by him who then was no Pope, and consequently had no power in him.

to create Cardinals. And in like case he that was called during the same Schisme. *Benedict* the 13. sitting at *Aninion*, created divers Cardinals; but forasmuch as he was iudged no true Pope but an Antipope, & an Vsurper, therefore al by him created were no Cardinals, & so were held & reputed to their dying day. And to conclude, when after the death of *Alexander* the 5. He that was called *John* the 23. in the time of that long and miserable Schisme, intruded himselfe vnlawfully into the Papacy at *Bononia* where hee then was Legate, and so being Pope, created divers Cardinals, they were all reputed, and iudged to bee no Cardinals in the *Councell of Constance*, and a new and true Pope was then chosen, namely, *Martin* the fifth, not by the sayde Cardinals, (because they had no power) but by the whole Councell: from all which and more that might bee produced of the like nature, it evidently followeth that the cardinals so called, created by *Sixtus* the 5. being no true Pope are no Cardinals & consequently cannot make election of a Pope, and therefore all so chosen were no Popes, but meere Intruders, Idols and Vsurpers.

11. And if it be objected that those Cardinals so made by *Sixtus* the fifth, were after his death publikely held and reputed true Cardinals by common estimation, and therefore their acts and doings cannot, nor may not, by the rule of the ciuill Law be called in question. By force of which rule the Lawyers proue that publike deeds which concerne the generall good done by them that had no lawfull power are to bee tollerated, and not to be further questioned: It will do no good

in this case, for that rule of the Law made touching matters temporall, but it holds not in matters Ecclesiastical, wherin no error may be admitted to take place, though never so common & vniversal.

Gloss in evni-
ly receiued, yet can it not therfore in matters spi-
co. in ver. ap-
probatis devo-
rituall make good the facts of any persons, doing
to i.e. que alle-
gat I acredū
& Bar. Brizi.
ensem. in suis
questionibus.
Archia. super
verbis suscep-
tis truth preuailes ouer any opinion though never
tionem. Io.
And. Gemini-
anus Philip
Franchus &
Anc harau
ibidem..
Federicus de
senis. concil.
30.

that which by the law he was not enabled to doe,
as appeares by the gloss in the canon law, which
also produceth divers great Doctors for the
same. Nay contrariwise in matters spirituall, the
Archidiaconus, Geminianus, Fran-
chus, Ambrosius, & others do teach with one con-
sent. And one other of them being consulted
in a case that reacheath hoinc to this point, gaue
this resolutio, that one admitted into holy orders
by bate that in common estimation was held a
Bishop, but indeed was none, was thereby not
made unfit to contract Matrimony, and there-
fore that the marriage contracted by such a one,
was not to be dissolved, for that hee was not in
holy Orders although he that ordained him was
holden of all men to be a Bishop. And the very

Gloss in s. his
ita responde-
tur. l. 45. q. 9. in
Sic. Gloss.

same opinion is holden in the Gloss, where it is
said, that in matters spirituall, wee must stand to
the truth, not to presumption or common opinion,
yea though that opinion were raised vpon a
sentence or judgement. And of the same mind is
Innocentius himselfe a Pope and a great Lawyer,
and *Baldus* and *Barbarius* who teacheſſi expressly
and fully to this poynt, that the facts done by

one

one that is a secret Simonist (that is guilty of Simony indeed, but not knowne nor held to be so) lect.
 are of force and validitie if they bee temporall,
 but not so if spirituall, because saith he, *no man gives to another what he hath not himselfe*. He there-
 fore being by his Simony, himselfe out of the
 Church, cannot haue or exercyle any iurisdiction
 in the Church. Wherupon it followeth that
 much lesse can they that are not true Cardinals
 haue any voyces in the Popes election, being a
 matter spirituall, and that of so high and excell-
 ent a degree.

12 Moreover, admitting the foresayd rule in
 the very words of it, yet to make it a common Er-
 ror there is also required the probable and like-
 ly ignorance of the world, for if there be suspici-
 on or likelihood that they know, or may know
 the contrary, then is not properly a common or
 vniuersall error. For error must presuppose igno-
 rance which is the mother of error: and so do all
 interpreters vpon that place, take and expound
 it. But for this case of *siccas*, the people of Rome
 were so farre from being probably ignorant,
 that rather they certainly were perswaded of the
 truth: for who can be said to be probable ignorant
 may who could not but well enough know that
Sixtus could not create a Cardinall, when the
Catholike King published, and as it were proclay-
 med in Rome that a generall Councell was to be
 called against him, as an intruder into the Papa-
 cy, and sent a great person his publicke Embas-
 sement to the whole Court of Rome for that pur-
 pose, and the matter was debated more or lesse
 in every Congregation, Consistory, and Court

Innocent. in c.
 init. col. 2. de c.
 lect.

Baldus in l. 3.
 in princip. c.
 de sentent. &
 in repet. d. 1.

Barbarini. col.
 2.

of Justice. Now when the people and subiects of the Pope haue not a suspition onely , but such particular knowledge that he was no true Pope, then it is a cleare case that all his deeds and actions spirituall are of no force nor efficacy , nor onely in the law and in the exterior Court , but not so much as in the Court of Conscience , nor in matters meerly of the soule, as a famous French Lawyer , in his decisions proueth at large. And if it be sayd that the people of Roine talked not openly , nor seemed to take notice of any such matter: the answer is easie, that the question is not what they talked of, but what they knew, & wise men know many things they speake not of , and the reason is ready , for thought is free, but so is not speech , the truth whereof was well seene in Rome , for you may bee sure they that knew so much would be free enough to thinke, &c (it may be) spared not to speake also in secret , but no man openly talked of it , when it concerned no lesse then his life, for he had beeene sure to be found guilty of high treason, who had but once toucht on this string. But that this silence proceeded not of ignorance , but from feare , appeares in that when afterward Clement the 8. being made by those Cardinals whom Sixtus the 5. created , did reconcile and absolute Henry then the king of Navarre, that so being discharged of the excommunication, hee might bee capable of the kingdome of France , there were not a few in Spaine where they are not the Popes subiects (and therefore dare speake the truth of him without feare of treason) who openly vnderooke the defence of this conclusion, that Cle-

Note this well

mens

ment was not lawfully elected Pope: yea and wrote large volumes to proue that he had no power, so to absolute and discharge that King of *Nauarre*, because he that is not true Pope but intrudes himselfe into the Papacy hath not the power of binding and loosing, euen as a sentence is sayd by the law not to binde, that is giuen by him that is not the Judge.

Cordinatio
nis, o. q. 1. de
schismatis,

13 And as for the election of Pope *Clement* it is voyde also in another respect, and an absolute nullite, for two parts of the Cardinals concurred with one consent vpon another named *Cardinall San-senerine*: for they called him by name, they tooke and led him to the Chappell of Saint *Paul*, the place where they performe their ceremony of adoration to the new elect Pope: here they make him sit in the Popes chaire of estate, and by publicke scrutiny they proclaimme him Pope; and a decree, and that this makes a full and legall election of a Pope, the text of this law expressly teacheth in these words.

*He who shall be elected and received by two parts of the Cardinals, with uniforme consent, let him be held and received of the whole and univer-
sal Church as true Pope, without al queſtione or
contradiction.*

But the Cardinall *San-senerine* was chosen by two parts of the Cardinals with full consent and by them conducted and placed in the Popes scaife: therefore he was lawfully chosen Pope, & so ought to haue bene accepted and taken of the whole Church. How then came it to passe he was not so? Let your Majestie be pleased to heare with patience and I will discouer vnto you how

how crookedly and corruptly matters are carryed in the Conclaue in these euill dayes. When this was done, and whilst the rest of the Cardinals that were without were expected (for such is the coustome, that when two partes haue made election , the third part which consented not, but could nothinder are expected to come in to the place , where the new elect is adored by the two parts that chose him , and from whence the election is to be published , that so all being together, the election may bee sayd to bee made by all, without contradiction of any man.) Now whilst the third part were expected to come in, there came into the chappell Cardinall *Gesualdus* and *Sforzia*, the former wherof was Deane of the Colledge of Cardinals) and by a crafty and wicked deuice disturbed the election in truthe & inlaw already made : and thus it was; Cardinall *Gesualdus* cryes alowd, My Lords, let vs number the voyces , to see if two full parts haue consented ; whereupon he began to count , notwithstanding to make an end , but leasurely proceeding with intermissions and delayes, which he did purposely , and to a crafty ende , that Cardinall *Sforzia* might also haue time to play his part, which hee did not fayle to do, for in that meane time he had got two of the Cardinals out of the Chappell who had giuen their voyces , and carried them with him into another place called *Sala Regia* & leauing them there, he returned to the rest , and largely layes open to them the rigour and severitie of *Sancto Severino*, for indeede they feared his iustice , as many of them no doute had good cause , he being an vpright and iust man, and do good

it seemes to be Pope ouer a number of such unworthy Cardinals, as most of them even there shewed themselves. For herupon the greater part of the most perfidiously got them out of the chappell, and assembling together with the rest, made a new election of the Cardinall Aldobrandine, who was called *Clement* the eighth. And this is the truth of that busynesse.

14 Now that the former election of Cardinall *San-suerine* was good and effectuall in law, it is a cleare case for the voyces that chose him were for number complete and sufficient when they pronounced him for Pope, and set him in the chayre. And as for the ceremonious solemnities vsed in the elections, that all the Cardinals sitting in their order together with him that is to be chosen, every one in order shall say: *I such a one chuse such a one to bee Pope*: and that the Secretary of the Concilie shall take the scrutiny, and write downe every mans voyce, it is not an essentiall part of the election, or necessarily and essentially required to make an election: for the expresse words of the text, do declare, define and peremptorily pronounce him to bee Pope and head of the vniuersall church, instantly and as soone as he is chosen and received by two parts of the Cardinals: and he is then by the law sayd to be received or accepted of the Cardinals, when they take him and conuay him to the chappella forer named and make him sit downe in the Popes seate, and he is sayd to be chosen or elected, when the sayd two parts declare their consent and agreement vpon him to be Pope. Now all these concurred in & vpon the cardinal *San-suerine*, &

Text. d.c. licet
de vitanda.

Abb. in d. c. li-
cer de vitanda
nu. 13. ver. sed
si est factum
per &c. de e-
lect. Bulla Iulij
2. § ver. etiam
per.

when the election is thus done by publike and open denuntiation and assumption, there need no scrutiners to take the voyces as is cleere by the law. And this is one way of chusing the Pope, & is called the way of Assumption, wherof also mention is made in the foresayd Bull of *Iulius* the second. And by this way which is as sufficient and effectuall in law as the other, was Cardinall *San Senerine* chosen and wanted nothing, required by law to the essence of a true election, but onely some formality, which by the law is not necessary. Nor is it materiall to say he wanted in thronization or adoration, or kissing of his foote, for all these are but effects and consequences of a true election, but not essentiall to the election, & are appointed to be done to him that is elected, but do not helpe forward his election, and the election is properly held done and perfected before they bee performed, as any man may see in the aforesayd Bull of *Iulius* the second. Neither is the calling together of all the Cardinals necessarily required, for it is exprely commanded in no law, and as for the text of the canon law, called

Licet de vitanda, it shewes the validitie of the elec-
tion, as is soundly proued by *Cardinall Jacobat*. Card.
in d tract. de
concil. part. 3.
art. 4. nu. 154.
& seq.

In c in nomis
ne domini.
cist. 23.

Iulius, who shewes that at least a Councell is to bee called to declare whether the election bee good or no, and that they may not proceed to the election of another. The election therefore thus made of *Clement* is to bee held a nullitie as being done by deceit and fraude, according to the expreise text of the law layd downe in these words:

*But if any shall be elected, ordained, or inthronized
Pope through sedition, presumption, or any in-
ny.*

ny or tricke of wit, contrary to this our sentence
and Synodicall decree pronounced in open coun-
sell : By the authorisit of God and his holy Apo-
stles Peter and Paul , we pronounce him subiect
to the great curse , and separated by perpetuall
Anathema from all societie with Gods Church
together with all his authors factors, and abes-
utors as an Antichrist, an intruder, and a destroy-
er of the Christian religion , &c.

And after Cardinall *Hosiensis* the great Do-
ctor called the Abbot in his Commentaries on *Abb.in dictis
cet de vitanda
nu. 11. ver. ex-
posuit Rossi-
ensis.*
*Or John the
23. or con-
stance.*

the text , expound the word Ingentry to be craft,
collusion and deceit , and such like was the elec-
tion of *John* the two and twentyeth, that was af-
ter condemned in the *Council of Basil* : for when
after the death of *Alexander the fifth* , the Cardi-
nals assembled at *Bononia* , and consulted about
the choyse of a new : Cardinall *Cossa* who then
was Legate there , a man potent and warlike ,
obtained of the Electors by his greatnesse that
they would commit the whole power of the e-
lection to him , which they had no sooner granted
him , but he forthwith elected himselfe : and
the Archbishop of *Florence* , *Antoninus* goes a-
bout to proue out of the aforesayd chapter, that
the election was good. But forasmuch as vpon
examination of the matter in publike Councell ,
it was found to be compassed by fraud , and de-
ceitfull trickes, he was therefore deprived by the
Councell. Now this ought much more to bee
in his case , namely that *Clement* ought to haue
beene deprived, because here another was truly,
lawfully, and canonically elected.

The conclusion then is , that *Clement* cannot

ow

*Anton. Floren
Histor. part. 3.
tit. 11. c. 24.*

Indicto c. licet
de vitanda.

be called nor held a true Pope, bosh for that he was chosen by such as had no power to chuse, as also because that choyce by them made, was wrought by fraude and deceite, and to the iniury of another lawfully chosen before, and was therefore voyde, though it had beene done by such as had bee lawfully enabled to make election. For though the law command that no exception bee made against a Pope once made, howsoeuer hee bee chosen, yet that the Law meanth other errors or imperfections in the election, which do but darken the beauty of an election, and not these two, when either the Electors haue no power, or that it is compassed by fraud, which destroy the very nature of an election; appeares by another law, by vertue whereof an exceptio made against such an election is admitted for good, as also one of the greatest commenters vpon that former law it selfe doth evidently prove.

D. cap. in no.
mine domini.
Ab in d. c. licet
de vitanda.

15. To proceed. Successively *Pau* the fiftieth that now is, cannot be called nor held the true Pope, seeing he also was chosen by the same Cardinals who were no true Cardinals, and therefore had no power to chuse. But besides that, there is also another cracke and flaw in his election. For when after *Clementis* death 61. Cardinals consulted in the Conclaue touching one to be his successor, at last after good and mature deliberation 44. Cardinals, who make two full parts of 61. agreed vpon the Cardinall of *Florence*, and tooke him though sick and lying in his bed, and made him be carryed into the Chappell of *Sixtus*, that they might inthrone & adore him as Pope, and whilst according to the custome shdy expected the rest

who

who being scarce a third part, could not hinder the Election thus already made; the other two parts in the meane time did vse the Florentine Cardinall as Pope, and accordingly demeaned themselues towards him, some exhibited Petitions to him, some begged one fauour, some another. But see how it fell out. Amongst them that were of the other third part, & were now a comming, were Cardinal *Baronius*, and with him Cardinal *Justinian*, & *Montalto*, and eaen as they were at the doore of the Chappel where the new elect Pope was with his Electors, *Baronius* cryed out with a loud voice that they all might heare,

*What? will you shame vs all? will you chuse such a
one Pope as in all his talke, at every word, speakes
baudity and filthilye to the great scandal and shame
of all Christians?*

In omni ver-
bo miseri pri-
sum.

And indeed such kind of talke is so little regarded in *Lumbardy* (of which Prouince this Cardinall was) that it is the common and ordinary eu-
stome in most mens mouthes. Vpon which words and other by him clamorously blustered out, all the 44. Cardinals which had elected him, perfidiously forsooke him, whom before they had lawfully chosen, and leauing the poore *Tuscan* Pope in his bed to wrastle with his Feauer, went out, & presently as the plot was laid, chose Cardinal *Borghesius* by publike acclamation, and carrying him to another Chappell in the Con-
clave, did there performe to him the vsuall ado-
ration. All which considered, & the truth there-
of being vnsallible, it followeth for certain truth,
that all the reasons & exceptions formerly made
against *Clement*, are rather stronger against this
Paul.

16 Now to conclude, seeing all thele particulars against *Sixtus*, *Clement*, and *Paul*, & the Cardinals created by *Sixtus* are notorious & known, there needs for their conuiction no more but allegation, for the Law is cleere that in crimes notorious, neither Libell, nor formality of accu-

*Burrio.in cap. vestra de co-
habet cler. & mulier.* fation are necessarily required, especially in the case of such crimes as concerne the publicke and generall good to haue them discovered and pu-

*Burrio.ibi.ver.
venio ad quar-
tari.* nished. And it is also cleere, that in such a case a

*Clem. appelle-
lante de appelle-
lat, & plura ad hoc per Iacob
Cardi de Con-
cil.l.3.art.1.* Councell may proceede by way of inquisition, for it sufficeth, that that which is notorious bee alledged and propounded, as all Lawyers do teach. And so much the rather, for that those things I haue thus declared, cannot be cald into nul.41. & seq. doubt or question. For it any man obiect that

these things were done in the Conclave, and therefore though they were true, yet were done in such secrecy, that to me and others no Cardinals they could not bee knowne: let him know that matters done in the Conclave, be they good or bad, direct or indirect, ypright or corrupt are alwaies kept secret, or at least presumed so to be, whilst the Conclave is shut: But when it is opened, the election done, and the Cardinals are out, they tell all things, some one thing, some another, some to one friend, some to another (as it is for the most part in all Councells, Parliaments, and Councell tables) and so all things come out by degrees, and come to be knowne, especially to such as are giuen to obserue and inquire into such proceedings. And besides, each Cardinal hath two seruants attending him in the Conclave, these ye to write exactly all the passa-

ges

ges and acts done etery day, and afterwards for mony give out Copies, whereof you may be sure there will be buyers enow, and no man needs to doubt but he that will giue Gold enough shall haue perfect notice, and full declaration of the most secret matters that haue at any time past, during the whole time they were shut vp.

C H A P. II.

*Another cause and matter prooving the necessity of
a generall Councell, in regard of the notorious
Symony of Paul the fifth, the present Pope.*



Et your Maiestie be pleased I beseech you, diligently to reade, and aduisedly to consider the ensuing reasons and allegations that I heere proound and declare against the Intruder now aliue, and vsuting the Papacy vnder the name of *Paul the fifth*, wherupon, and for which it cannot be denied, but that a Councell ought of necessity to be called. And first of all, let this be presupposed and laid downe for a ground & Maxime(whatsocuer any filthy flattering Parasites imagine, speake or write to the contrary) that the Pope as Pope is not free from the crime of Symony, nor exempted from exception in that case, as *Aquinus* <sup>Aquin. Sum. 2.
2100. art. 2.
ad 7.</sup> proves at large, concluding and resoluing that the Pope as well as any other may incurre the vice, and come within the compasse of the crime of Symony. Now this crime is so much the greater and fouler, the greater the person is, and the more

more eminent place he holds that is guilty of it. And for better illustration of this ground, wee must know that howsoeuer the benefices, treasure and riches of the church are the Popes as principall Steward, and dispenser of the same, yet are they not, nor do they belong any way to him, as Lord, owner, and possessor of them : If therefore the Pope takes money for any thing spirituall, he intangles himselfe, and incurreth the crime of Symony. Of this opinion are all the Diuines that write vpon the place of *Aquinas*, as Cardinall *Cajetan*, and the rest. And the same *Aquinas* in another place teacheth the very same doctrine, and that doctrine is agreeable to the Canon Law it selfe, and that Canon Law is taken out of an ancient Councell, where according to Saint *Hierom*s translation, all the old high Priests are recounted, and then it is said: Let no man doubt but for the sinnes of the high Priests laid downe in this Chapter (of which Symony was a chiefe) *Hierusalem* was destroyed : And to shew that the same doctrine and law stands still in force. The Councell of *Basil*, even for this crime and sinne of Symony, called in question, examined, conuicted, and condemned *Eugenius* the fourth then Pope, and deprived him of the Papacy. The words of the Councils decree are these :

Conf. Basil.
¶. 34

By this definitive sentence of the great and univer-
sal holy Councell, which is heere recorded in writ-
ing for all the world to know, and all posterities
to take notice of, the Councell pronounceth, decree-
th, and declareth, Gabriel formerly called Pope
Eugenius the fourth, to have bee, and to bee a
notorious

dicitur
cunctis

notorious and manifest, and consummatis rebell to
the warning's and commandemant of the univers-
itie Church, and that he still persisteth in the said open
incitation and disobedience, and doth therfore con-
demnation for a wilfull evilltuner and traitor of
the holy ancient Canons, a persecutor of the peace
and quietnesse of the Church, a notorious scandaliser
of the universall Chuch, a perjured, audirrigible,
and schismatical Symonist, and therfore a forsaker
of the faith, in berwick, a didipidator, & consumer
of the rights and riches of the Church, committed
wroghts in his churche, and hath thereby made himselfe an
unprofitable member; and not onely unprofitable, and
unusefull for the Papall power, but of all other title, de-
gree, honor or dignitie Ecclesiasticall, whom he a-
fforded holy and generall Councell doth by the
power of the holy Ghost declare and pronounce to
be by the Law deprived of the Papacy and Bishop-
ricke of Rome, and by these presents it doth re-
quene, depose, depraine, and throw him out. Ignatius
Nelmoq Hiberus the words of the Councell.

All the learned know this to be true. Now
will I make plaine & discouer to them what they
doe not know, by shewing that the like Symony
was obuer committed in the Churche in any ages
past, as hath bene hitherto, and is still daily prac-
tised by this present Pope. In the Datary, which
is an office at Rome, wherein all matters of bene-
fices and busynesses of that kinde are expedited,
this is the course & custome at this day, it is dur-
ly obserued that the benefices belonging to the
Popes collation, whether referred to his gift, or
falling void in the mouth, that belongs to the
Papacy; which in regard of their farre distance
fallow ordind, and holdinge no farrer knowleage from

Or else his
Sonne.

from Rome, or for that they are with Cure, cannot be giuen to his Nephew *Borghesius*, are giuen to some of the futors, or Competitors that are of that Country or next adioyning to it, for they take order that none be bestowed presently, but lye vacant for a time, that so a whole concourse of Competitors may flock together for it, which is not done for any good end, that so they might know the difference of the futors, and give it to the worthiest, as by the decree of the holy Councell of *Trent* they ought to do, but that they may learne who is the richest, and so may know how to make the best bargaine: To which end the time of this confluence or competition is appointed at a certayne day, wherof publike notice is given, that so all futors may come, and that the Officers of the Datary, may learne in that meane time, which of all that seeke it are best able to buy out and extinguish the pension that is laid vpon that liuing, for this is the fashion now in use, the Pope chargeth every liuing in his gift, with a pension more or lesse, ordinarily it amounts to the halfe of the whole value of the benefice, if but to a third part, it is held easie and favorable, but sometimes it extends to two parts of the whole, deuided into three, which done, he prouides by another ordination, that by present payment of five yeeres profit, the pension shall be extinguished. Now when by this concourse & comparison of Competitors, they haue found out which of them all is best able to buy it out, to him presently it is conferred, and so in stead of the worthiest, the wealthiest carries it away; for all that stay and delay, and making many lye for it, is not to speake out the worthiess of the person, but the wealth of

of his estate to whom they giue it: And thus are all the Popes liuings bestowed at Rome. Now he that comes thus to a Benefice by paying downe ffe yeeres pension aforehand, buyes it ful deere, for he payes for it at the rate of thirty in the hundred, ouer and besides his personall seruice, and discharge of the Cure of Soules, whereunto hee is tyed and bound by law: For the clearing of this point, suppose a Benefice bee worth three hundred crownes a yeere, this is sure to be charged, being so great a liuing, with a pension of the largest size, namely some 200. that so a 100. may be left for the Incumbent. He then that comes to it in this manner, paies down 1000. crownes for the pension, and 100. more for the VVriting and Seales of his Bulles, and for expedition: and so all laid together, he buys his liuing of 300. a yeere, at the rate of thirty for the hundred, besides his personall seruice and cure of Soules.

3. Moreover, whereas in the holy Councel of Trent, certaine simoniacall tricks & deuises, cald *Regressus*, and *expectativa* are flatly forbidden: the Pope to delude the Councils decree, grants *Coadiutorships*, with assurance of future succession after his death, to whom he is made a *Coadiutor*, but makes them pay one yeeres profit for the expediting & dispatch of their Bulls. Now these *Coadiutorships* are the very same, and tend to the very same end, even to bring in by hooke and crooke, huge summes of mony, for by these pensions and buying out of pensions, this Pope hath scraped vp twenty hundred thousand Scutes, al which he hath bestowed in buying Lands for his Nephew. It is a common tricke in Rome, as they that either reade or trauel, do wel know that Popes and

Cardinals in these latter times call their owne bastards brothers or sisters children. But *Alexander* the sixt, and *Pius* the third, in elder times dealt more plainly, and were not ashamed of them (though bastards) but kept them in Court & aduanced them to honor as their children, as *Cesar Borgia*, the Duke of *Parma*, and many more. These particulars I am sure of.

1. He bought of *Sarelli* a goodly large territorie, called *Rignanum*, neere vnto Rome, at the price of 353000. Scutes.

2. The citie of *Salerno* in the kingdome of *Naples* he bought of the King of *Spaine*, and gaue for the same the summe of 150000. Scutes.

3. Hee purchased those goodly demaines called the foure *Casalas*, within the territories of the Cittie of Rome, which cost no lesse than 700000. Scutes.

4. In the mountainous Countries belonging to the Cittie, which are commonly at late in the hundred, he made a purchase that stod him in 400000. Scutes.

5. He hath built a Pallace, and called it after his owne name, the Pallace of the *Borgheses*, vpon the fabrick whereof he hath bestowed 300000 Scutes.

6. He hath so enriched the Cardinal *Borghese* his Nephew in priuate stock and wealth, that his very moouables are esteemed worth 600000. Scutes.

Good God, what a mighty wealth is here? and I appeale to any that knows the Court of Rome, if this could be by any meanes got together into the Popes owne coffers and priuate purse, but onely

onely out of that office of the benifices called the *Datarie*. Therefore this one demonstration is presumption sufficient enough to proue his foule and detestable Simony, seeing it is certaine that the whole name and blood of the *Borghesies* were but of a meane estate, nay many of them are knowne to haue run out of their liuings, and to bee little better then bankerouts when this man got the Popedome.

4 Yet notwithstanding, that our fayre and sincere dealing may better appeare. I will iustifie all I haue sayd to be true, out of the authenticall booke, records, and writings, extant no where else but in Rome it selfe. For out of the Register of the Popes Buls it shall appeare, to whom each Benefice hath been giuen, and with what pensions they haue beeene charged. And it shall also appeare, that the Pope hath reserued all those pensions in such a secret mental reseruation, as it was never knowne for whom, or to whose vse they were reserued. But it shall be found that the sayd pensions were afterward by compact extinguished with the Master of the *Datary*, as the Proctor of that vnownowne person, to whose vse the Pope had formerly reserued them in his secret thoughts. The *Spanisb* nation can give large testimony in this case, for many *spaniards* haue dealt in businesses of Benefices at Rome, & haue transacted them in this manner: If therefore they bee called and compelled by soueraigne power that needs not feare the Pope to tell the truth, eu'en they alone can make all good that I haue sayd. And for better helpe to the truth, I here make it knowne, that the Buls instruments

and writings of and concerning the saide Symonicall bargaines , and buying of Benefices , are all to be found in the office of *Bettus a* publike Notary to the *Auditor of the Chamber*, in a certaine particular record there kept in secreit belonging specially, and onely to the *Borghesis*.

Iacobat. Card.
de Concil. I. 4.
art. 3. nu: 55. &
plur. seq.
C. patet. I. q. I.
& c. per tuas
de simonia. &
in c. presbiter!
ver simoniarū
hærefini, & in c.
benedic. o. ver.
in maledicōne
authenticall Canons do affirme it. And the fore-
conuertit: & c.
cäuendum. I. q.
& Iacob Dom.
nu. 59. & seq.

Now for thele so notorious Symonies of the Pope, that a generall Councell is to be summonoed, and with al haste called together all the learned in the world do know; as the famous Cardinall *Jacobatus* proues at larges : for it is a cleere case in Law, that Symonists are to be detested & euill-spit vpon by al meanes no better then prime and principall heretickes, not one but ancient & authenticall Canons do affirme it. And the foresayd Cardinall doth there teach, and produceth many authorities to confirme it, that a notorious Symonist is a plain hereticke: now heresie as it is great in all, so is it most greeuous, horrible, and enormous in the Pope, for he is appointed to ouersee the Church & well to gouerne it, but hee may not do that by which the state of the whole Church is hurt, and the very face of it besmeered and defiled. And whereas al men, especially those of higher places in the world, ought all to take example of holines from the Pope (who hath the title of holines giuen him, which is to no creature else in the world.) Contrariwise, by these his notorious Symonies, deuotion and religion decaies

Card. Zabarel
in 2. Constitutis
de regiosis do-
mibus.

in the world, & is in danger to be vtterly extinct, when all the Princes, great persons, and lay Patrones of the world shall see the Pope, whō these hold themselves bound to follow, take such base vnworthy, & irreligious courses, to sell for mony that

that which is due only to vertues and well doing.
As also is learnedly and largely laid downe by
another Cardinall of the Romane Church.

CHAP. III.

Of many more materiall causes why a generall Coun-
cell should instantly be called against the now Pope
called Paul the fifth : by which it is proued that he
is a troubler and disturber of the peace and quiet
state of the uniuersall Church.

C. Si Papa dif.

40. Abb. in cap. significati de

elect. & inc.
proposuit, coll.

final, de concess.
prebend. & in e-
ccl. mi. liff.

cum vidiffit.
col. 3. de Iudic.
Bald in colim.

Bald in c. olim
de rescripto:
Romanis in

Consil. 134.
Pet. de Monte

n tract. depo-
ct papæ. c de-

oncil. præmissa
entia. n. i 3.

modis resistens

Papæ. Eccle-
am turbanti.
cebat Card.

*Catá.
de Con.
170*

sc q.
ncift.com

de autorit.
tri Concil.

b inc pras
fis le

*uit de co-
s.preb. Leuit
ch. 28. chape.*

When the Popes crime is notorious, so as thereby the whole Church is scandalized, then ought a generall Councell to bee called together, that there bee may be heard and judicially proceeded against. This is elecre by a famous Glossē vpon the canon Law, and such a Glossē sayth *Panormitane as is received and approued of all.* And the famous Lawyers, *Baldus, Romanus, Petrus de Monte, Iacobinus, &c.* do teach with one consent that all the whole world approues that glossē for good law. And at this day, since they wrote it is canonized and made authentike by the Councell of *Constance.* *Panormitane* sayth, that there cannot be any error or fault knowne to bee in the Pope, by which the Church shall not be scandalized: for he that is annoynted shall sinne, the scandall of his offence shall make the people offend also, for prooile whereof he alledgedeth *Moses in Lentious,* and it is related in the body of the canon Law. But according to the surer opinion, and which Rel. in c. magnz de voto. Iacobat. Card. de concil. lib. 8; art. 4, n. 21 Math. 18. chrys. fol. in Matth. 40. Abb. in cap. significati de elect. & in c. propofuit; col. final. de concec. prebend. & in c. cum vidiss. col. 3. de Iudic. Bald. in c. olim de rescript. Roman. in Consil. 1. 2. 4. Pet. de Monte in tract. depo- test papaz. c de concil. præmiz. nentia. n. 13. Idem in c. de modis resistens. di Papaz. Ecclesiastim turbanti. Iacobat. Card. intra. de Con. 1. 3. art. 1. n. 170 & se q. concil. confit. tit. de autorit. faci. Concil. cap. 1. Abb. in p[ri]m. posuit de co- m[un]c. preb. Lenit

Gloss. in cap. vi. we may safely rest vpon , that Glosse is to be vnderstood of such a crime of the Popes as is made notorious and brought into publike notice with the greater parts of the Prelates, and Gouernors of the Church, and the Princes and great persons that lie in the Church ~~and~~ of the Laity . (And this is sufficient to proue the Church scandalized if they be ; and that his crimes are notorious to the Church, if they be to them :) for when Christ bids, *If thy brother sinne against thee, &c. tell the Church.* S. Chrysostome interprets it thus. Tell the Church, that is, those that gouerne the Church,

as it is also related in the Canon Law, and where as the Scripture sayth that *Salomon turned his face, and blessed the whole Church or congregatiōn of Israel*, the Church is not taken for the whole people of *Israel* (for all the people, neither were , nor could bee present there ,) but for the Princes, Priests, and chiefe of the people. Therefore then the Church is truly scandalized by the notorious and enormous crimes of the Pope, when they are knowne, and notice taken of them by the principall members and gouernours of the Church and Christian states. And that against a Pope thus scandalizing and offending the Church by his notorious misdemeanours a generall Councell may be summoned and assembled, is out of all question: and that the Councell so called hath power to let downe such remedy as to them shall seeme best, be it by correcting & reforming the Pope, if he be corrigible , and his faults may admit pardon, or by deposing him , if he be vncorrigible , or his crimes by their enormtie be not pardonable. And this the best Doctors

Mamade
Cocnil. n. 216.
Iacobat. Card.
de Concil. 9.
act. 2. n. 8. &c.

do

do teach and proue at large.

2 Now that *Paul* the present usurper of the Papacy, doth trouble the state of the universall Church, and gittes occasion of foyle scandall to all the christian world, I here vndertake to proue in many particulars.

1 Hee defends not the Ecclesiasticall power and iurisdiction of the Church, and the right thereto, which were maintained by his predeceſſors, and ſo by them descended to him, and this is notorious to all Princes and Potentates of the world, and to all Prelates and Gouvernors of the Church. Nay it is ſo notorious, that it hath beeſe in publicke queſtion iudiciall. The ſtate of *ve-*
nice made a law, that Ecclesiasticall persons ſhall purchase nor take no more lands, and that they ſhall ſell and part with, within one yeare all that of late times they haue poſſeffed. Likewise they are ſo bold as to call and puniſh perſonally, Clearkes or Clergy men in their ciuill or temporall Courts. They haue as good as extinguiſhed the power and iurisdiction of all Ecclesiasticall Courts within their iđominion, and ſhame not openly to professe that they haue full and abſolute power ouer all Ecclesiasticall persons through all their dominions, and that from God, ſo that in a word; there is no hope of Ecclesiasticall immunity to be fetled there any more. For they preſume to lay violent hands ypon Clergy men, and throw into their prisons even regular Monkes, nay Bishops themſelues, and command them to reueale the ſecrets received in confeſſion and compell them to abſolute ſinners and penitents as they thinke good. And when for theſe

Marke good
Reader how
farre the eſtate
of Venice hath
proceeded a-
gainſt the
Pope and his
power, and
against his
clergy.

outragious courses, this Pope had layd his censure vpon them, and interdicted their Churches and had called in the Catholike king to assist him against them, as the rebels of the Church: at last when all things for the warre were now in a readinesse, he fell off like a coward, repented his doings, betrayed his friends and associates, who put themselues into armes in his quarrell, and was basely content, not onely to reuoke the sentence without any due satisfaction on their part, which must needs argue it proceeded from him, either vnauidedly or vniustly, but euen payd the charges, as hauing done them wrong, for he releas'd vnto them his right in the tenths of Ecclesiasticall liuings, which would well repaire their costs and losses any way sustaiued in that busines.

3. Secondly, Moreouer the *Milanensis* and the *Florentines* haue begun to set at naught all rights and immunitiess of the Church, which with them are little better then euen dead and extinguisht. They cal their clergy to contribute to their publicke workes, & if they stand vpon it, they compell them: they suffer nothing to be published that comes from Rome; vnlesse it be first examined & approued by their owne iurisdiction. Thus the Breues & Buls of the Pope are no better vewed nor regarded with them then amongst heretickes. Again, those of the city and siegnory of *Lucca* haue thrust & beaten out their Bishop, belike because he stood for the liberties of his Church, & compell their Clergy to aske pardon and take Indulgence from their owne Senate, which they haue in their Churches, and because the Vicar generall did therfore interdict & suspend their Churches they.

see how Popes
ry decayes, and
the Popes au-
thority falleth a-
way and is ec-
clipted and
abridged daily
in Italy.

they runne vpon him with all fury, and prosecuted him with that violence that he was glad to flye for his life, aad it was high time, for had hee beeene taken they had hanged him. And in a word, matters are in these misgouerned times brought to this passe, that no man in Italy cares for any censure : insomuch as that great an terrible thunderbolt, that deepe striking and farre reaching censure the *Bulla Cane* is not feared nor esteemed by one of a thousand. The Vice Roy of *Naples* presumed so far vp on the very person of the Popes Nuntio, that he comanded him to be thrown out of the window, vntesse hee presently would bee gone out of the Pallace, when alas he came into his presence but to make suite for certaine prisoners subiects of the church within that kingdome, who contrary to the liberties of the church, were committed to secular prisons, he craued audience onely to be a Petitioner for their release, and loe how hee was answered and entertained. What may we looke for in *England*, *Germany*, *Denmarke*, &c. When the Popes Nuntio, a person priuiledged so many wayes, shall thus be vsed euuen in Italy? Nor is this all, if any in that Kingdome of *Naples* take sanctuary, and flye into the Churches, he commands them to be taken out, and executed according to Law.

Thus all Ecclesiasticall liberties are infringed, all Immunities and Priuiledges of the Church are troden vnderfoote, euuen in *Italy* vnder the Popes nose, in his sight and hearing. Nay the very Ecclesiasticall Courts all ouer *Italy*, are almost out of vse, and as it were abolished. And

when the Pope heares hereof , or any of those things , he heares it with a deafe eare , hee cares not for it , it moues him not , and least he should be moued with any such thing , he takes order to heare of nothing that is tedious or troublesome, or that may bring any griefe, sorrow, or care with it. If any thing be written from any of the Nuntioes or Legates , that toucheth the wrongs done to the Church , or infringing and weakning of Ecclesiastical Immunitiess , the Packets are alwayes intercepted by Cardinall Barghesius his Nephew , who forthwith opens all the Letters , and gives him notice of some genenerall matters , and some such generall and idle answere is againe returned , but no particular is told him of any moment , least hat should disquiet his Holinesse , and thus all busynesses that concerneas the Churches good lies vtterly neglected . These things are notorious to all Kings and Princes , and all the Prelates and Clergy do fcele it to their smart and sorrow , for they see and find that all rights of the Church , and liberties Ecclesiastical are falling away to nothing.

4 Now that such sluggishnesse and carelesnesse in the Pope and neglect of the Church , and rights of the same , by him to whom belongs of duty the conseruation thereof , is of great scandall to the Christian world , and is therefore a just and a powerfull cause why a generall Councell should presently be called for the due examination and reformation thereof , is a plaine case . And Durandus that great Doctor and good Bishop doth strongly proue it : And it is an ouer-ruled

Durandus de
modo genera-
lis conceleb.
par.3,c.39.

ruled case, yea a little granted, that he that is altogether vnprofitable or vnsit for the duty of his place, is all one with him that is dead: By vertue of which rule it followeth, that as when the Pope is dead, it belongs to the Electors to fall to the choise of another to succeed him; so when a Pope is become altogether idle and vnprofitable, and consequently burtfull to the Church, prouision ought to be made for the Church, either by his reformation, or setting another in his roome, as C. inter corpora
alia de trans-
latione Epis.
Card. Jacobat
ibid. l. 4. art. 3. Cardinall *Jacobatus* proues at large.

5 It must not be denied, but that *Constantine* the great, after he was settled in the Empire, gaue to the Church, Rome as it stood, and great lands together with it: and why all this, but that the Bishop of Rome might be able to maintaine the dignity and iurisdiction of the Church, and to augment the same continually: Hereupon the reuenues of the Church grew so excessiuely, as *Sixtus* the fifth, besides all his expences, & debts he paid, and many great workes hee perfected, some of them being exceeding costly, laid vp euery yeere in the Castle of S. *Angell*, ten hundred thousand Scutes: From the time of *Sixtus* to this day, Saint Peters patrimony is not at all diminished, but well aduanced by the accessie of the goodly Citty and State of *Ferrara*: And at this day it must also bee richer in regard of the great patrimony this Pope practiseth in some kinds, for whereas before his time there was spent in the Popes Court monthly 30000. Scutes, in expences of the Palace. *Paul* that now is, hath brought it downe to 5000. Now then, what becomes of so great treasures of the Church? Why

is he suffered to consume and deuour it? but if he say it is all forth comming , why then is it not made to come forth, and be employed in maintaining and recouering the dignity, rights and royalties of the Church? if it be not thus imployed, nor in some other publike vse for the honour and good of the Church then where it is? It is fit the Church should know where her own treasure is, and it belongs to the Emperour and other Christian Monarchs to know what is become of it, and no doubt but by the lawes hee may call the Pope to question , and to account in this case , for it is a rule that a Priuiledge though once lawfully and reasonably granted, as this was by *Constantine* to the Pope, if it begin to be hurtfull and prejudiciale, may be lawfully recalled , and consequently the Emperour and Christian Princes may take these huge summes which thus are stole away, and embezilled by tyrants, and those that haue thrust themselues into the vnlawfull possession of them, & employ them in defence of the Romane Empire , and other Christian dominions , and in the augmentation of the same, by the recovery of the Kingdomes and Countries lost from the same.

*C. Suggestum
de decimis.*

6. 3. Againe, this Pope disturbs the state of the vniuersall Church, in setting to sale the profit and reuenues of Church liuings , and making them things vendible , which is contrary to the nature of them : He hath giuen license to very many Bishops, to pawne or morgage the rents and reuenues of their Bishoprickes for ten yeeres to come, vpon pretence thereby to pay their fathers debts. He gaue this leauue to the Cardinall

de

de Lenis, being Bishop of *Miletum*, that he might pay 100000. Scutes of his fathers debts. And as soone as this vnworthy Bishop (but worthy enough for such a Pope) had morgaged all the profits of his Bishopricke for ten yeeres, and that morgage was made good by the license and confirmation of the Pope, by and by after, he bestowed on the said Cardinall the Archbischopricke of *Ferrara*, and so he left the Bishopricke of *Miletum*, a title without profit, a shaddow without a body to him that should haue it. He gaue leaue to Cardinall *Spinellus* to pawne the profits of his Bishopricke for ten yeeres. Nay to Cardinall *Montalto*, to morgage the reuenues of three Abbeys: Monstrous things, and not heard in the worst and most licentious times, and not once thought of in the daies of his Predecessors. Now if any of these Morgagers dye, as like enough they may in ten yeeres space, no worthy man wil succeed them in those places, or if they doe, they haue bare names without any living at all, to the great shame and scandal of the Christian church, and the danger of vtter vndoing those places so morgaged: In this respect therefore he is to bee held an vnufficient, vnworthy, and unprofitable Pope, seeing he so destroyes and consumes the Church reuuenues committed to his trust, and the Law is cleere that it is so.

7. 4. Yet further. This *Pope* troubles the state and peace of the vniversall Church, in not dueley punishing the foule faults and shamefull crimes of his Cardinals, and other great persons in the Court, and in the Church abroad, all which are his subiects and creatures: for by the Law he is

Cap. 2. sect. 1.
final, destrat,
Mon.

C. qui. nec. re-
gimini s. 2. q. 7
Durandus de
modo gen.
con. celeb. part
1. rub. 1. n. 5. &
rub. 4. n. 59.

no better then a dog, or a filthy shamelesse creature that corrects not the enormous crimes of them that are vnder his power. And Durandus prones it, that such a one is not to be held or calld a Pope. Now how farre he hath misbechaued himselfe in this kind, and how foulely hee hath shamed all Christian Religion, doe you judge most wise King, and all other Christians by these particulars following, which hath a trembling hand, and a sorrowfull heart, the truth and the necessity of these times compell mee to discouer. Alas, how notorious is it in the Court to all that know or obserue any thing, that two of the Clergy, nay euen Cardinals doe lye with their owne Kin/women, I am ashamed to speake it, euen their owne brothers wifes: and who knowes not that one of them, not onely hath one of the youths his Catamite, or Sodomiticall companion, but that he vseth as good as all his followers in that abominable fashion: Oh Justice where art thou! Is there no place for thee in the Court of Rome? Let any man answere for him if they can, What justice was it to command two Sodomiticall youths, an Italian the one, the other a Flemming, to be burnt in the backe, and marked for Buggerers, and to suffer no Processe in Law to proceed against the filthy Sodomites that were the doers and were accused and openly detected by the young men. I deny not but their punishment was iust, but if that were iustice, what was it then to spare them whose fault was farre fouler: for by all law and reason, in that horrible, and not to be named offence, more foule is the fault of the Agents then the Patients, and consequently farre

The truth
hereof, and
much more as
ill and worse,
M. Sheldon
confirmes on
his knowledge
in his Survey
of Popish mi-
racles offer
then once.

greater

greater the punishment ought to be. And why suffers he not law to passe vpon her, that as it is said poisoned his brother? Is it not because the guiltinesse of his Nephew in so foule a crime should be known to the world? Thus Justice and Judgement are asleep or dead, and thereby vertue is banished, vices beare rule with brazen faces.

Or at least
provided poy-
son for him,
for the word
is Veneratio.

8. Now what saith the Law to the Pope that sits and sees, and suffers these things, even this: He is not a Bishop, but an impudent and shame-lesse dog, that corrects not the faults of such as are vnder his power. And another text saith, that he highly offendeth God, though he be not so ill himselfe who lets the sinnes of his subiects to passe vnpunished: And if any to excuse him, say it is pitty, mercy or charity that makes him thus forbear them: that helps not, for as *Augustine* answерeth, it is not charity but laziness, carelesnes, want of zeale, feare of God, and loue of vertue, nay, euen want of charity it selfe, not to correct great and scandalous faults, for how can that be called loue that cares not how euill any one bee? Another Text of the Law saith, that they sinne grievously that offend and scandalize others: And another, that such scandalizing members in the Church are to be cut off, bee they never so great: And that for remouing of such a scandall, a generall Councell is to bee assembled, *Mantua* proues it by good Law, and the opinion of al the Doctors.

C. Nemō dist.
73.

C. Si it 23.q.4.

Aug. in Epist.
Iohan. relat.
23.q.5.

C. Cawndum.

10.q.3:
C. Ille distin&
93.

C. Illud 24.q.3
C. Vxor 24.q.
1 Mantua de
concil. n. 216.

9. Fifthly, but are these all the euils and scandals the Church and Religion receiuie by this Pope? Nay, yet further hee fouely disturbs the state and order of the vniuerall Church, in gi-

using almost all Benefices and Ecclesiastical livings that come to his hand, to his carnall kindred; That this is a publike iniury and disturbance to the whole Church. Petrus de Monse de potett papre cap. de modis resistendi Pa- pze Ecclesiam turbanti. nu. 3.

Card. Caet: super Tho. 2. 2. q. 100. art. 1. in fine.

The Pope is not Lord of the goods, treasures, and livings of the Church, but high Steward of them: Neither can he by the fulnesse of his power, nor height of his Prerogative, give as his owne pleasure such goods or livings as to his owne kindred, or whom else he will, but he is bound to bee a just, wise, and faithfull Steward, according to that of the Apostle: Now amongst Dispensers and Stewards it is expected that every one be found faithfull.

See, every one, therefore, the Pope, though he be the happiest, nay rather because he is the highest, lest all ynder Stewards bee unfaithfull by his example: Now that this Paul is shamefully guilty in this point, I shall make it evident to your Maiesty, & all Christendome by making knowne his daily practise.

All the Benefices or Spirituall Livings without Cure, by what meanes they become vacant, be they great or be they small, hee forthwith heapes them on his Nephew Cardinall Borghese: for if they bee of good value, then without delay or further consideration of any circumstances or conuenientey, or distance, or state of the people, those he giues him: If they be small, how small soever they be, so they bee in

Italy,

Italy, hee forthwith makes an vnion of that little
liting to some greater, and so being united, that
greater is giuen him also: So that there is no way
for any man to obtaine any liuing in *Italy*, which
by the largest sense of the Law may be iudged to
bee without Cure, but onely that yonge Cardi-
nall, who by these indirect and vnworthy cour-
ses, hath as many spirituall littings on his shoul-
ders as wold well suffice halfe of all the Cardi-
nals, for it is in every mans mouth, that *Cardi-*
nall Borgheſius hath no leſſe then two hundred
and fifty thousand Scutes yearlye relieuue of
Church liuings, (Oh miserable and monſtrous
thing, and never heard of in the former, no not
worſt times !) And behold the partiality and vn-
equall dealing of this Pope. To the rest of the
Cardinals it is a shame to ſee how base and mi-
gardoſly he is, except to his owne creatures and
vaſſals, and to them alſo more then will eaſily be
beleueed, for as he neuer giues the any Benefice
freely and ſimply: ſo he giues them but a little, &
that little not cleerely; and if any man tender a
reſignation of a liuing for another, ſimply and
freely he will neuer admit it. Hee holds it for a
rule to hiimſelfe, that it is not good the Cardinals
he makes hiimſelfe be ouer rich, but rather poore
then rich, therefore hee giues them generally of
the ſmaller littings: And if ſometime perhaps he
beflow on any ſpeciall fauourite of them, ſome
rich Abbey or good Bishopricke, hee chargeth it
with ſome good round pettition to bee yeere-
ly paid out of it to his Nephew *Borgheſius*, to as
he leaues to the poffeffor neuer more then 2000.
Crownes a yeare at the highest rate, and in the

like manier are all the Bishopricks of the world bestowed that are in the Popes guift. By which meanes almost all the Cardinals are but *Borghesi* factors or Stewards, to gather vp the pension and other profits accruing to him out of Bishopricks & Abbices, and to pay them in to him. A gaine he suffers his Nephew to take and leue, to chop and change, and turne ouer all the Bishopricks and great liuings as he list. He gaue him the Arch-Bishopprikke of *Bononia*, which whilst he held, there fell a possibilitie, that the Arch-bishopprick of *Ferrara* better then the other would shortly also be void, and because hee could not by the law hold them both, a way was therefore devised, that *Bononia* should be resigned, and so it was: but how? not honestly, plainly, and simply. But hee found a base fellow who was content to beare the name of the Arch-Bishop of *Bononia*, and accept his resignation, but to bee content with some 2000. crownes a yeere, and to be steward and factor for *Borghesi* for all the rest, which is much more then was left to his successor, for his personall attendance Episcopall labours and expences. Mighty God, what infinite summes of money come in continually to that Nephew of his? Arise O God of Justice, looke into it, and stirre vp some that shall call it into question, & examine what is become of it. Now how much the quiet state and good order of the vnuerall Church is disturbed by these courses, who knowes not, nay who almost scelers not: for by this meanes nothing is giuen for learning, nor to learned men: but they be learned men that the Church hath need of; and not proud, pampered full

full fed Asses, which exalt them selues aboue the Cedars of Libanus, though if you speake of learning they be as blind as Moles, dumbe as a fish; wise as Woodcocks, and scarce can tell how many fingers are on their right hand. But no matter for all this if they be his arid his Nephewes factolites or kin to them. And yet *Durandus* In his *Part. 3. rule 28* *nu. 1. f.* booke written of the authoritie of a Councell, teacheth and protesteth that the Church by a generall Councell ought to provide and take order that the Pope do not exalt and enrich his carnall kindred by the Church living, or Ecclesiastical treasure, and that he bestow not more on such of his kindred as be in holy orders then shall be agreeable to their state, condition, and deserts, & that he raise not his kindred to honour and nobilitie above a competent proportion. But seeing this *Part* surpasseth all his predecessors in this point, my motion therefore is but just, legall and reasonable, that a generall Councell be called against him to reforme this soule disorder.

10. And to conclude this Catalogue of his *Concil. Basil.* enormous disorders and disturbances of the *de numero &* Church, who knowes not how much it concerns *qualitate Car-* the honour and happy welfare of the Church, *dinalium. Sess.* *i. 3.* that the Cardinals of the Romane Church be every way good and worthy men. To which end for preventing of future mischieves in that kinde it was thus decreed in the Councell of *Basil.*

*whereas the Cardinals of the holy Roman Church
are the collaterrall assistants to the Pope for his
better governing, ordering, and directing the
Christian world, it is behooffull therefore that
according to their name, they be indeed Cardinies*

that is the Hinges upon the shoulders of whose
misedome the gates and doores of the uniuersall
Church may not onely depend, and open, & shut as
occasione is, but easely rest, and be fastened.

To which purpose the holy sacred Synod decreth,
that before first for their number it be sum-
maried that it bee no burdenome to the Church,
nor grow vrie and contempnable by being ouer-
many: And we will that as farre as conveniently
may be, they be chosen out of all nations of the
Christian world, that so knowledge may better be
had of all busynesses and affaires, falling out in a
very countrey, and order taken in all things the
more seasonably as the busynesse shall require. Re-
served their number shall not exceed 24. And of
this number there may be some, but very fewe the
Sones, or Brethren, or neþhermes of Kings, or great
Princes, in whom in regard of their excellency and
emminency otherwise, a competent measure of
learning shall suffice, being accompanied with cir-
cumspition, or experienced in misedome, and gen-
tlenesse of maners, &c.

You see what order the Councell tooke: and
if you would know what minde the Doctors are
of touching this poynt, let Jacobius, himselfe a
Cardinall speake for all: he after a long and seri-
ous disputation vpon this very matter now in
hand, thus concludes:

I am cleare of opinion, my I believe is, that if the Pope
missed by carnall reasons shall promote many to be
Cardinals, who by their unwariness are incapa-
ble, and dophone unprouable and hurtfull to the
Roman Church, that danger is so great that there-
by is threatened vpon the whole uniuersall Church,
that

that shal alwaies sufficeant cause of calling a Generall Councell: and if the Pope refuse or delay, it may assemble of it selfe without him, for a Pope refusing to call a Councell when neede is, seemes to make himselfe a stranger to the Church, and gives cause to be suspected in his Religion. ¶ But These be the Cardinals owne words, as a resolution to that question. Now let vs see how this Paul hath demandid himselfe in this so greate and weighty a matter of trust, namely the furnishing of the Church with worthy Cardinals: first hee sets it downe for a rule, that he will have no learned Cardinals in the Church, and why? but lest they shold discouer his strainefull ignorance, & his horrible errors and misdeemeanours, and lest they shold trouble his confistorie with motioris that concerne the publicke and generall good of the whole Church, which must needs hinder him in prosecution of his privat ends, whiche one lyly cares for. Then this is the course: he seekes vp & downe the Court for such onely to be Cardinals as may adhewe onely to his Nephew to make him Pope when it doth falle wayth. To this end full he will haue them yong men, who in likelihod may live to see that day; next, they must be ignorant, detroyed of learning, nay further, basely, and void of al generous dispositions, that so they may be content with meane reuenues, and consequently may the more absolutely depend on his Nephew, who they know is able to do for them. And thus it is manifest that the Cardinals hee makes are created on corrupt & carnall grounds, euen that himselfe may the more securely rob & spoyle the Church for his owne time, and make

" way for his Nephewes (the Hickenckes will vn-
" happily say his sonnes) preferment to the Papacy
after himselfe.

" Butler vs make this good in particular in-
" stances. Harken ye good Catholickes in Eng-
" land, Germany, France, &c. Who good soules
" doe verily thinke that at Rome is nothing but
" holiness, deuotion and mortification, and in-
" deed Heauen vpon Earth: The Cardinals *Lan-*
tes, Capponius, Barberinus and *Spinola*, where did
these four get their learning? in what Vniuersi-
ty proceeded they? nay, what learning haue they,
or euer had, but to know how to make and con-
trive exchanges, thereby to bring in the great
summes into *Pauls* purse? And how ascended
they to their Cardinalships? Do we not know
the Offices they had before? and full freely they
came to their red Hats, for *Paul* would not haue
anything for making them Cardinals, but hec
knew well the *Auditorship* of the Chamber was
richly and readily worth 70000. Scutes, the
Treasurship of the Chamber as much, and the
Clarke 50000. these offices they must part
withall to the Pope freely, and then as freely they
are rewarded with Cardinals hats, and shall haue
the grace to be accounted the creatures follow-
ers, and fauorites of Cardinall *Borghesius*, the
Popes Nephew.

And when hec hath made them Cardinals, li-
uing he giues them none, for hec makes such as
by their liues and behauours in their former
Offices he saw could tell how to liue in a meaner
place then a Cardinalship: And Pension or Be-
nefice, he giues them none, vnlesse such as his
Nephew

Nephew is not capable of, or cannot hold by Law.

But what shall I say of **Cardinall Tontus, Lan-**
francus: de Lenis, Philonardus, and others, whose names for shame I suppose in silence. **Tontus** was a plaine Soliciter of causes, and so poore a one, and had so poore imployement, that he was comonly called the Solicitor without causes, his best meane of living was a poore Pension of 15. Iulios monthly out of S. Rokes Chappell, given him for playing on their Organs on festial daisies. Thus an **Organist** on the holy day, and a **Solicitor** on the wecke dayes is fit to bee a **cardinall** for such a Pope as **Perey**. And as for **Lanfrancus** hee is so ignoble, obscure and base, as to this day it is neither knowne where he was borne, nor whole sonne he was, and answerable was his imployement, for in the Hospitall of them that are sick of incurable diseases at **Naples**, he lived by helping to cure the **Poxe**, or French disease. Was not heere a goodly possiblitie and a faire step to a **Cardinalship**? And yet no better place nor imployement had he when he was called therunto. But as for those other two, namely **De Lenis** and **philonardus**, Cardinals shoulde I call them, rather carnall beasts, for Cardinals shoulde bee pillars of the church, but these be rather pillars of hell, I say no more for shame. Behold now how Princes and Peeres of Christendome, are we not brought to miserable cases when these are the men by whom the Christian world & the church is to be gouerned, is not the church like to bee well gouerned? and are we not like to haue good Popes hereafter when they are to be chosen out

Marke good Reader, the Pope in his booke of Ceremonies ordaines that cardinal Bishopps are to haue prece-
dence of kings cardinalpriests of kings eldest sons, & cardinall Deacons of other free Princes? Now are not these fit and worthy cardinals to haue prece-
dence of Princes and is not she to be held a wise mother church, and worthy to gouerne the whole world that makes such equall & reasonable ordinances? Or rather is not this the stepmother that hates the true children nay the shame leffe strumpet and whore of Babylon?

of such as these? Alas will all men sit still and seeke themse'ues, & suffer the Church to fall to ruine every day? What will become hereof in the end.

12. Now by all these the Church is the more grievously scandalized, for that all men do verily beleue that this *Paul* doth all these foule, disordered, irregular, and irreligious things for this very end, that he may leaue his Nephew *Borbesie* his successor after him in the Papacy, for *Pau* being now newly past his middle and mature age, and but entring into that state of life we call old age, hath hope enough to hold out many yeeres, and feeds himselfe with reasonable assurance that he shall outlive all the Cardinals created by his Predecessors, and so in his time renue the whole Colledge of Cardinals, & leaue them behind him all of his owne making. And to further the same end he generally makes none Cardinals but yong men that may liue long, and those also for learning very ignorant, and for estate poore, that so they may be slaves to *Borbesie*, and always be pind vpon his sleeue: and heapes vpon that *Borbesie* all the Ecclesiasticall livings, and riches of the Church, besides other infinite treasures in Lands, Jewels, and Money, to the intent that when the Papacy shal be voyd, and another to be chosen, he may by distribution of those livings and riches amongst the Cardinals that are electors, procure himselfe to be chosen Pope. And thus the Papacy and the Church, and all we are bought and sold, and therefore this misery and mischiefe is now in time to be prevented, for if matters goe on from ill to worse, ruine must needs come to the Church and Catholike Religion.

Then

Then to conclude.

There is no wise or godly man can deny but that vpon these causes particularly specified, and all ioynly laid together, there is more then iust cause that a generall Councell be assembled for the relife and reformation of the Church.

C H A P. III. *That the calling of a generall Councell as this case stands (belongs not to the Pope) but onely to the Emperour.*



Though it were true and gra-
ted that the calling of a Gen-
eral Councell belongs of right
to the Pope, and vpon his deny-
all or refusall to the Colledge of
Cardinals, as after many others

Cardinall Jacobatus proues very sufficiently (who handled this matter more largely then any before him) yet all that notwithstanding when the question is against the Pope himselfe, and against the cardinals (whō he hath so vnlawfully created as that in law they be no Cardinals), and against such as take part with the Pope, and are knowne to be guilty of the same crimes with him or them That then the calling of a General Councell belongs neither to the Pope, nor to any, nor all such Cardinals, but onely to the Emperour (and oþer temporall Princes) is a cleere caset to all that know the Law; yet to make it more evident to all men, I will make it good with these Reasons.

When in any matter or cause, the consent of a Prelate or a superior is required, according to that we finde in the Law: If the question prou-

to be against that Imperior; then his consent is
 necessary as touch the Doctors and Interpre-
 ters vpon the Canon Law. And when any Pe-
 rson or superiour, that is head of any body is sus-
 pected or questioned, all of that body that follow
 him or take part of him are drawne fully into
 the same suspition and question, and the same
 judgement is to be giuen of them as of the head;
 as *Vincentius notoeth whom Panormitan* followeth
 and many more, *and Palma* likewise teacheth the
 same. And to conclude, the same iudgement is
 to be giuen of the Adherents and Partakers, as of
 the Principall is plaine in all Lawes, and by the
 Interpreters vpon the same.

Wherefore if the question be against the Pope
 and his Cardinals who by the Law are forbidden
 to be Judges in their owne cause, if the question
 against them can not fully be heard and judged
 without a Councell. It then belongs to the Em-
 peror of right to call the sayd Councell; he assa-
 cobusius him selfe Cardinal proves vidently,
 and proves that in such cases is no deuelution
 from the Pope to the Cardinals, but from them
 both to the Emperour. And of the same opinion
 and judgement are the Doctors that make the
 additions vnto *Pandectarum*, and that addition
 which begins whether and when the Councell is
 aboue the Pope. *It est oylboum* distillid
 1510. And if it were not thus that the Emperour
 might in this case call a councel, it wold follow
 that the Pope & his Cardinals against whom the
 accusation is laid, might destroy the Christian
600, enim inde veritatem
veritatem
enucleando.

Iacobat d. art.
 1.n.71 & seq
 n.74.
 Addentes ad
 Abb. in c. sig-
 nificati d. e-
 lectione add.
 an. &c. in 10
 limitat.

C. Nus ad sc
 nem diff. 90.
 L. 1. §. nouissi-
 mus F. de ori-
 gine juris l. 1. 6
600, enim inde
veritatem
enucleando.

And if it were not thus that the Emperour
 might in this case call a councel, it wold follow
 that the Pope & his Cardinals against whom the
 accusation is laid, might destroy the Christian
 Church which the Emperour is not to suffer; it
 being

being his duty before God, & by his Law to defend the Church, for he representeth the whole common weal of the Christian world and vp
on him is transferred, and rencroched upon his
immediate authority, but a power and authority ouer
the whole world. Therefore, he is the empere and
steag of the whole body of Christendome, and be
all the Christian people of the world is to call to
gether that Councell against him.

Acta et
anfractus
Bona
bonorum
bonorum
bonorum

missus, 3
et credidit, 3
et subiungit
similis, 3
et subiungit
C. P. derum;
l. 6.
C. Si forte dist.
6.

Iacobat. in d,
art. 1, n. 286,

3. Againe, when there is a quodtion of notorious
suspiciois against the cardinals, as namely that they
were created by the Pope after he had renounced
or resigned vp the Papacy, then that those Cardi
nals cannot call a Councell, but that it belongs to
the people to doe it, as a cleere case in the Law.
And to the same purpose is the text in the distinc
tions. But this that the people should call it is
to be understood, when the Councell is to be held
in Rome, as Cardinal Iacobatus makes it apparent.
But when in any other place than Rome, when it is
evident and certaine, it belongs to the Emperor,
who stands in stead not onely of the people of
Rome, but of the universall World. Yea though
it were to be at Rome yet in trath and sticke Law
it belongeth to the Emperour, seeing it is a cleere
case in the Law, that the power of all the people
in the world, (ie, not some but all, and if all the
people in the world, then of the people of Rome,
as well as the rest) is transferred, and conferrred and
settled vpon his person. And good reason, for he
is a great part of the Councell himselfe, and hath a
power and interest to be there in his owne right:
the power therefore in this case denouled vpon
him, as the immediate superiour, as appeareth by

In eccl. null a Ec-
clei. Ministeria
de conceit,
prebend,

the arguments of the Doctors upon a spec. ial
chapter of the Canon Law.

4 Now all this that I haue said & written touch-
ing this point, is according to the resolutions
and conclusions which now are holden in *Rome*:
for if we speake of the former times, then you are
to know that from the beginning, the calling of
Councells belonged only to the Emperours.

C. Sextam.
&c. habeo lis-
brum dist. 16.
c. Valentinia-
nus dist. 63. &
c. mand. 2. q. 5.

Great *Constantine* called the first generall Councell, as the Canon Law it selfe acknowledgeth: and the same also appears in the beginning of the Councell of *Afriske*: In like manner *Valenti-*

nian assembled another generall Councell, as
is also to be seene in the Canon Law, where wee
reade that *Valentinian* then Emperour, called to-
gether a Councell, to pacifie and take away a
scandal then raised against the Pope. And so was
the Councell of *Constantinople* called by the Em-
perour in the daies of *Constantine*, the sonne of
Constantinus, as wee may see in the beginning of
evry Session of that Councell, as also in the
Acts of the Council of *Agaña*, in the beginning
of evry action. Wherefore, though it were
granted, that at this day the calling of a Council
is reserued to the Pope, and in his default to the
Cardinals: yet shall it follow, that seeing they
both make default, and will call none, because
they both are the offenders against whom it is to
be called, it therefore now belongs to the Em-
perour to doe it, according to that good and an-
cient rule of the Law. *That anything easily reveres*
to its owne and former nature. And if it bee said that Interpellation (as the
Lawyers call it) must first bee made before the
Empe-

Emperour may take this power, it is answered that in cases notorious Interpellation is not of necessity, but they may be adjudged defective or negligent without it, as Cardinall Jacobasius <sup>Iacobat. in d.
art. 1.n. 206.</sup> proves. Now the present causes of calling a generall Councell are notorious, and the scandall that by them is giuen to the whole world is more then notorious. And this rule holds, euen allowing a reasonable time, wherin probably he might have done it, although no precise time be limited for the doing of it, as is evident in the Law. And least of all is his Interpellation necessary, <sup>Vt in simili. c.
1.5. notoria de
consil. lib.6.</sup> against whom the accusation is instigated, and the Councell called.

no. 5. And how soever a Generall Councell assembled by the Emperour, hath not the authority of the Pope, yet may it not therefore be held or called a Conuenticle; for that the Councell is *sic*, <sup>i. 5. 2. b. n. 13.
ibid. 14.</sup> (as hauing all absolute and Soueraigne authori-
ty, when the Papal seat is void, either *de facto*, or
de iure) is able and sufficient to give its selfe au-
thority, and in such a case all supreme power
shall reside in the Councell it selfe: the head
whereof is *Iesu Christi* himselfe, as *Hesychia*, the
Cardinall proves evidently out of the Canon
Law. And so we also doe find in the Councell of
Constance, namely, that a generall Councell hath
his power & authority immediately from Christ,
immediately, that is without relation to, or depen-
dence from, or any interposition of the Pope, ei-
ther when there is no Pope, or such a one as will
not prevent great mischiefs and evils that be e-
minent ouer the Church. And no lesse is also af-
firmed and proued by the foresaid Cardinall <sup>Iacobat. Card.
in d. art. 1. n.
197.</sup> Jacobasius.

Nay,

Nay to make all stronger. The Councell when it is assynbled, may require the Pope to confirme it, which if he refuse to doe, the Councell hath mit cause to hold him in suspition of Heresie for his refusing to confirme it, and may interpose it owne authority in stead of the P^tope, and this is the very doctrine of that often-mentioned Cardinal *Scobellius*.

6 Nor is it to purpose to object that thus the
Councell shall give authority to it selfe, and to its
owne acts (which is against reason and Justice)
for the Councell represents the whole vniversall
body of the Church, the head wherof is Christ ;
neither are the acts of a Councell the acts of any
particular person, priuate nor publicke, and con-
sequently not alike to this, as also the same Cardi-
nall teacheth in the same place. And yet we are

¹⁴ Id. in d. art. 2. so know for this point, that as a Judge may lawfully impeach himself, so he is competent.

**Art d. c. 1. sec.
206.** **6. Super litione
de scriptis. folia
Sec. 3. art. 1.** **nomes** it leane a lawfull Councell, and lawfully
assembled; and that sentence shall bee good, cer-
taine and uncontrollable, and so was it done in
the Councel of Constance, as appeares in the pub-
liche Records of the same Councell.

Cardinal Jacob Battus is so often alluded to, for that
blessed man having followed Dr. Romsey in Schools and
Courts, and his Conclusions are held good, and
generally received at Rome, so that his
opinion is beyond attack.

FINIS.

